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*BEQUEATHED*

TO THE UNIVERSITY

BY

ROBERT FINCH, M. A.

*OF BALLIOL COLLEGE.*

2452 f. 44

AN

# INTRODUCTION

TO THE STUDY OF

# MORAL EVIDENCE;

OR, OF THAT

*SPECIES OF REASONING*

WHICH RELATES TO

## MATTERS OF FACT AND PRACTICE.

WITH AN

## APPENDIX,

*On debating for* Victory, *and not for* Truth.

BY JAMES EDWARD GAMBIER, M. A.
*RECTOR OF LANGLEY, KENT,*
And Chaplain to the Right Hon. Lord BARHAM.

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## ERRATA.

Page 9. the Parenthesis should extend to the end of the 14th Line.

Page 88, Line 11, *for* its, *read* our.

—— 88, —— 30, *for* these divine laws, *read* the laws of God.

In several places a Semicolon is put, instead of a Comma, which the Reader is requested to correct.

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# PREFACE.

TO form a habit of reasoning justly, is one of the most important objects of education. Much has been done to promote this object by writers on logic, and on the human understanding. Their writings, however, relate principally to reasoning on subjects of pure science, and abstract truths, or the necessary relations of ideas. Little, comparatively, has been written, to teach us how to reason on practical subjects; but that little is highly valuable. Mr. Locke, in his Essay on the Human Understanding, has treated briefly on probability; and

the author of the Port Royal Art of Thinking, has, at the latter end of his work, introduced two or three chapters on the application of reason to the events of human life. Both of these writers furnish useful observations on these subjects. Dr. Watts, in the second part of his Treatise on logic, and his book on the Improvement of the Mind, has laid down many important rules to direct the judgment on practical questions. In the Encyclopædia Britannica, also, under the head of metaphysics, there are some just remarks on the theory of observation, and testimony. And, Dr. Campbell, in his Philosophy of Rhetoric, has explained at considerable length, the theory of moral evidence.

Were young men willing to take the pains of collecting from these, and other authors, all that they could meet with

on the subject of moral evidence, they might form, for themselves, a system sufficient to answer every desirable purpose. But this is scarcely to be expected. For, in the course of education, the principal use of reason is in subjects purely scientific. It is not, therefore, surprising that students should bestow their chief attention upon that use of it, and neglect, to a great degree, all those principles and rules of argumentation, which they have then no occasion to apply. Hence, it may naturally be expected, that, however well qualified they may be to argue on scientific subjects, they should be incapable of reasoning justly on human events. When their education is finished, it is scarcely to be supposed, that they would recur to those books, which they had formerly studied, to collect from them such information as they had hitherto neglected; but which

they would now find of the greatest use in the conduct of life. Probably, very few men take this trouble; and this is one cause, why so few reason correctly on questions which admit of no higher evidence than probability.

It is, however, obvious, that that use of reason, which teaches us how to regulate our judgments, expectations, and conduct, must be much more important than that, which relates only to science. Of course, it ought to be studied with greater attention. But, this it never will be, unless it be studied professedly, as a separate system.

It may be thought, perhaps, that a man, who has formed a habit of reasoning justly on scientific subjects, will be capable of applying that habit to matters of probability, without studying any sys-

tem of moral evidence. That the study and practice of demonstrative reasoning will be found of great use towards acquiring skill in moral evidence, is true. It is not meant, therefore, to discourage an application either to logic or to mathematics. On the contrary, an application to both, is strongly recommended, as the best possible means of acquiring an ability of thinking closely and correctly, and of reasoning conclusively. But, then it is true also, that this study will rarely be found sufficient to enable a man to reason justly on probable subjects; both because the principles in demonstrative and moral reasoning differ much; and, because the mind that has been accustomed to yield its assent to demonstration only, generally finds great difficulty in being satisfied with a lower species of evidence. Hence arises that tendency to scepticism, which has been

imputed to the study of mathematics. And hence it is, that the transition, even from pure to mixed mathematics, is often attended with a want of that satisfaction, which had hitherto been enjoyed. Both these are occasioned by not considering, that different subjects admit of different kinds of evidence; and by the mind's, not being accustomed to yield its assent to that kind of evidence, of which the subject admits.

He, who has not attained the knowledge, and accustomed himself to the use of correct and fixed principles of decision on the weight of evidence for matters of fact, must engage in the investigation of many important questions, such, for instance, as the truth of Christianity, with great disadvantage. The principles, on which he will be required to decide, being new to him, will probably appear to

have been framed merely for the occasion, and will therefore be suspicious. But had he pursued this study with due attention, these principles would be familiar to him; he would have been accustomed to apply them to various subjects, and to see that they lead to correct conclusions. To him, therefore, they would afford both a safe and satisfactory ground of decision on the question proposed.

This study will, also, be a means of preservation from many errors in the ordinary occurrences of life. Few practical questions call for our decision, on which we are not previously interested on the one side, or the other. The having to search for our principles of judgment, while under the influence of interest, must be an inlet to delusion, in addition to the danger of misapplying

them. But, if we have been accustomed to the use of certain fixed principles of evidence, they will naturally present themselves to our minds, when occasions for their application arise; nor shall we be able to decide inconsistently with them, without being conscious of doing wrong. It would, therefore, be useful to acquire a knowledge of the principles of moral evidence, as well as of those of demonstration; and, perhaps, to pursue the study of these different kinds of evidence at the same time.

The Author's motive for engaging in the discussion of this subject, was, his having observed persons of ability and education delude themselves as to the truth of facts, of importance to their moral conduct, by applying to them principles of reasoning, unsuited to the nature of the case. With the principles of de-

monstrative reasoning, they were well acquainted; but of those of moral evidence they had not a sufficiently clear and settled knowledge, to put them on their guard against the delusions of inclination or interest in themselves, or the sophistry of others. Hence, even their knowledge of morality, and the general rectitude of their intentions, became of little avail to direct their conduct; for, an error in the fact, is often as fatal to virtue, as an error in the principles of morality.

As there is no book written, professedly, on this subject, (at least so far as the Author of this Tract can learn;) these hints are offered; but not as new thoughts. For, in the present advanced state of science, little that is new, can be expected on a subject of this nature. Nor are they proposed, as comprising a

complete system, but merely as an introduction to the study of moral evidence.

To the learned Reader, if any such should honour this Tract with a perusal, an apology may be necessary for the discussion of subjects, which may appear too obvious to need explanation or proof. But, it should be observed, that this work is intended for the use of those who are only beginners in the science of moral reasoning; and that, for their information, it was necessary to explain, and prove, even such points as would be perfectly obvious to the more experienced reasoner. This appeared to be the more requisite, because, however obvious those points may be, many of them are too frequently neglected in practice, and that, by persons whose character gives great weight to their example. Hence it was desirable, that

the beginner should be furnished with a weight of proof, calculated to counterbalance such authority.

To most readers, it will be necessary to apologize for the dryness of the book. Something of this must be attributed to the nature of its subject; for a treatise on the principles of reasoning, can scarcely be otherwise than dry. Yet, some of the blame may, perhaps, be due to the Author, for not having interspersed his work with a greater number of quotations, and interesting anecdotes, to relieve the fatigue of his reader. He would have done this, had it been in his power. But the nature of his situation, and his constant engagement in an employ, which nearly engrosses his time, precluded his collecting, either from reading or conversation, such quotations or anecdotes, as would suit his purpose.

## CHAP. I.

### *On the Nature of Moral Evidence: and wherein it differs from Demonstration.*

MORAL Evidence is that species of proof, which is employed on subjects, directly or indirectly, connected with moral conduct. It is not, however, confined to such subjects; but is extended to all those facts, and events, concerning which we do not obtain the evidence of sense, intuition, or demonstration, and to all the general truths which are deduced from observation. In these, it still retains the name of moral evidence, a denomination which it seems to have derived from its being employed on subjects connected with moral conduct; because they form the most important class of subjects to which it is applicable. The evidence of morality must be carefully distinguished from moral evidence. The former is that evidence by which any class of actions is proved to be virtuous or vicious; the latter is that by which facts or events are proved to be true or false. These two species of evidence are, however, very frequently connected. For, moral conduct requires, in most cases, an application of

moral evidence, as the laws of morality can rarely be applied for the direction of our actions without a knowledge of facts. Thus, in order to apply the moral rule, that a man should pay his just debts, it is necessary to know what is a just debt; and, to ascertain this will require a knowledge of facts. That, in politics, a man should support that party which has, in the greatest degree, justice on its side, is a moral duty; but, to determine which party that is, requires a knowledge of facts, as well as of the principles of justice.

Moral Evidence and Demonstration differ in several particulars.

1. They differ as to their subjects. Demonstration is employed about abstract truths, and the necessary relations of ideas. Of this kind are the properties of numbers and of geometrical figures; and, indeed, all subjects which are capable of being accurately expressed by numbers, as extension, duration, weight, velocity, and force. But, the subjects of moral evidence are matters of fact, and the connections, whether constant or variable, which subsist among things which actually exist. Thus, that Romulus founded Rome, that water freezes at the temperature of thirty-two degrees, that fire softens wax but hardens clay, are truths within the province of moral evidence.

2. They differ as to the method in which they are conducted. In demonstration, we proceed from known truths to those which are unknown by steps each of which is necessarily connected with that which precedes it. In a moral proof there is no such necessary connection between its parts. It generally consists of arguments which are wholly unconnected with each other; and where there exists a connexion between the arguments, that connexion is not a necessary, but only a probable one. Or, to express this differently, a demonstrative proof consists of one series, each part of which is dependent on that which precedes it; but a moral proof generally consists of a number of independent arguments. Thus, the proof of every proposition in Euclid's Elements consists of a series of arguments connected together in one chain, in which, if any one link fails, the proof fails. But the proof that the Romans were formerly in this island consists of various independent arguments; as, the testimony of each historian who mentions the fact, the Roman camps and roads, the remains of Roman buildings, the coins, and urns, the tessellated pavements, &c. These are so many arguments, each independent of the rest, but all conspiring to prove the fact.

3. In demonstration, it is not necessary to consider more than one side of a question; for,

if, by a demonstration justly conducted, any proposition is proved to be true, it is of no consequence what may be urged against it; for, whatever is offered as proof on the opposite side, must be a mere fallacy. But, in moral evidence, there are very frequently arguments of some weight on both sides; and therefore, before we can decide, we must examine both sides of the question, and give our assent to that on which there appears to be the greatest weight of evidence.

4. Propositions, contradictory to those which are established by moral evidence, are merely false: but those which are contradictory to such as may be demonstrated, are not only false, but absurd also. Thus, the assertion that there is no such city as Pekin, though false, is yet not absurd; for there was a time when it was true. But the proposition that 'the three angles of a triangle are not equal to two right angles,' is not only false, but also involves in it an absurdity.

5. There is a difference also in their force, or in the kind of assent which they produce. As, in demonstration, there is a necessary connexion between each successive step of the proof, the ideas compared are perceived to agree or disagree. But, in moral evidence, their agreement or disagreement is only presumed; and that on proofs, which are, in their

nature, fallible. The one, therefore, produces absolute certainty, the other only probable judgment, or at most, moral certainty. The probability may, indeed, rise so high as to exclude all reasonable doubt; still, however, it falls short of absolute certainty.

6. As moral evidence does not produce certainty, no rules of moral evidence can be given, which will direct us how to form an infallible judgment in any particular case. The utmost that can be accomplished, is to give such rules as will in most, though not in all cases, in which they are fairly applied, lead to a right conclusion. This is another difference between moral evidence and demonstration. For, as demonstration admits of certainty, so rules are laid down, which in all cases capable of demonstration, will lead to truth.

7. Demonstration does not admit of degrees; for certainty is the only assent, which can be produced by it: but moral evidence may produce a variety of degrees of assent, from suspicion to moral certainty. For, here, the degree of assent depends upon the degree in which the evidence on one side preponderates, or exceeds that on the other. And, as this preponderancy may vary almost infinitely, so likewise may the degrees of assent. For a few of these degrees, though but for a few, names have been invented. Thus, when the evidence on one side pre-

ponderates a very little, there is ground for suspicion, or conjecture. Presumption, persuasion, belief, conclusion, conviction, moral certainty; doubt, wavering, distrust, disbelief, are words which imply an increase or decrease of this preponderancy. Some of these words also admit of epithets, which denote a further increase or diminution of the assent.

8. Moral evidence admits of an accumulation of proofs, and each independent argument increases the weight of evidence on the whole. Thus, the testimonies of concurrent witnesses serve to increase the credibility of each other; and the evidence of circumstances may confirm that of the witnesses. But demonstration admits of no accumulation of evidence; for, one just demonstration as effectually proves the truth of a proposition as many. If recourse be had to another, it is not to supply its defects, but only to ascertain that the former includes no false step, but has been regularly and correctly conducted; for, if it be defective, it is no proof at all, but a mere fallacy.

9. In demonstration, we may reason safely, from a conclusion already established, and upon that establish a second conclusion. This too, will furnish ground for further reasoning, and another conclusion: and thus we may proceed to any extent that may be requisite. But, in moral evidence, we can seldom proceed with

complete safety, more than one step: the second step will be more uncertain than the first; and the third more uncertain still; and so on. For, the first conclusion being not universally true, but true only in a certain proportion, out of a given number of cases, we are in danger of building our second process of reasoning on one of those cases in which it may fail. In our third process, we run two risks of assuming a false ground; and in our fourth process we run three; and so on: whence it is evident, that it cannot be completely safe to proceed more than one step. Or, to place this matter in a different light, the first conclusion is not certainly, but only probably true. The second will be probable, only, on a supposition, that the first should, in the event, prove true: *i. e.* it is only a probability of a probability. And the third conclusion will be probable, only on a supposition, that both the former should prove true; *i. e.* it is the probability of a probability of a probability. Thus, in the progress, the uncertainty of the conclusion is continually encreasing. To illustrate this point by an example. It was thought, some years ago, that, if the treaty of Amiens had been fulfilled with regard to Malta, the French would have obtained possession of that island, and in consequence would have regained Egypt, and attacked our possessions in India. In order to

their making this attack upon India, we may remark the necessity of the following events at least: first, that they should gain such an influence in Malta, as to be able to possess themselves of the island: secondly, that they should fit out, and send to sea, a sufficient force to conquer Egypt, without our being able to prevent them: thirdly, that they should elude the vigilance of our fleets, and arrive safely in Egypt: fourthly, that they should gain a footing in Egypt: fifthly, that they should establish themselves there in sufficient security to undertake an expedition to India: and sixthly, that they should arrive in India with a force strong enough to attack us, notwithstanding the difficulty of procuring a fleet, the dangers of the Red Sea, the vigilance and superiority of our fleets, or the difficulty of passing the Desert. Now, let the probability of each of these events, taken separately, be as two to one. Then, previous to the cession of Malta, the probability of their attacking us in India would be only as 64 to 665, which is less than as one to ten. Or, had there been an equal chance of each of these events taken separately, the probability of the ultimate event would then have been only as 1 to 63. Had there been only two events in the series, and an equal chance of each separate event, the probability of the ultimate event would have been

as 1 to 3; had there been three events, it would have been as 1 to 7; had there been four, it would have been as 1 to 15; had there been five, it would have been as 1 to 31. In this example, the probability of each separate event is expressed in numbers. But, in practice, it will seldom be found possible to ascertain the probability of an event with sufficient exactness so to express it; and consequently the ultimate probability of any series of events can rarely be calculated with precision. But, notwithstanding this, as, in every series, (in which the following events will certainly not happen) unless the preceding events should happen, the probability of each successive event is constantly less than of that which precedes it, in the same manner as in the example, though we may be unable to ascertain the precise amount of its decrease, the example will properly illustrate the point in hand.

10. Moral evidence does not compel our assent, as demonstration does. If a man dispute a proposition which is demonstrated, it must be because he does not understand its proof. But on subjects which admit of moral evidence only, there will often be some ground to adopt either side of the question. Hence, it affords an unfair opponent a plausible reason for dissent, and that in various degrees, according to its different kinds. Thus, truths

founded on experience, or general notoriety, may always be disputed. It also affords an opportunity to eloquent men to represent truth in the colours of falsehood, or falsehood in the colours of truth, so as to deceive all, who are not extremely careful to detect their fallacies.

11 A further difference consists in the language which is used in them. In demonstration, all the terms are accurately defined, and are used always in the same sense. But, as moral evidence relates to more popular subjects, so those subjects are treated of in a popular, and not in a philosophical, language. The terms are seldom accurately defined, and they are not always used in the same sense. Figures of speech are introduced, and all those rhetorical licences admitted, which contribute more to ornament, than precision. Hence, in moral evidence, we can rarely obtain as distinct a view, either of the question, or of the arguments, by which it is to be proved, as in demonstration.

From what has been said, it is manifest that moral evidence is vastly inferior to demonstration. Hence, perhaps, some persons may conclude, that the study of it will be of little use. But, however inferior it may be to demonstration, it is not possible to avoid using it constantly. For, it is frequently the only light

afforded us to form our opinions of facts and to regulate our conduct with respect to them. Without attending to it, we can neither act, nor cease to act. We cannot even subsist without acting upon it; since it cannot be demonstrated that our food will not poison, instead of nourishing us. Instead, therefore, of contemning it on account of its inferiority, it becomes us to improve to the utmost, the light which it affords, by qualifying ourselves to apply it as correctly as possible on every occasion. This must be incumbent, not only on the student in science, but also on every man, whatever be his business or employment.

Besides, it may be observed, that the necessity of acting on this inferior species of evidence, is suited to the state in which we are placed: a state, in which all the faculties received from our Creator, are put to the trial.* Now, the clear light of demonstra-

* Were the proof of Revelation irresistible, "it would "restrain the voluntary powers too much; would not answer "the purpose of trial and probation; would call for no exercise "of candour, seriousness, humility, inquiry; no submission of "passions, interests and prejudices to moral evidence and to pro-"bable truth; no habits of reflection; none of that previous de-"sire to learn and to obey the will of God, which forms, "perhaps, the test and the merit of the virtuous principle—— "Irresistible evidence would confound all characters, and all "dispositions; would subvert, rather than promote, the true "purpose of the divine counsils, which is not to produce "obedience by a force little short of mechanical constraint "(which obedience would be regularity, not virtue, and would "hardly perhaps differ from that which inanimate bodies pay to "the laws impressed upon their nature) but to treat moral agents "agreeably to what they are; which is done when light and motives

tion, would be ill adapted to the trial of our understandings, on practical questions; because, it could scarcely fail of compelling us to a right judgment, even in spite of the most perverse inclinations, or the greatest insincerity. But, being under the conduct of moral evidence, our sincerity is continually put to the test. Hence, if a man wish to make his views of duty consist with his inclination, or present interests, he can seldom want a pretext for so doing. And the greatest talents, natural or acquired, will not secure him against this delusion; but, on the contrary, rather promote it; for, they only furnish him with more able counsel to deceive himself and others. But, if he be sincerely desirous of knowing his duty, though he possess but ordinary abilities, he may generally attain the knowledge of it. For, notwithstanding the inferiority of moral evidence to demonstration, it is capable of affording sufficient proof to influence the judgment, and direct the conduct of any reasonable and honest man, who is disposed to make a fair use of his talents. For, experience shews that men err, not so much from the want of light, as because they are influenced by their passions and interests.

" are of such kinds, and are imparted in such measures, that " the influence of them depends upon the recipients themselves."
Paley's Evidences of Christianity, 2, 368, and 371.

Two extremes have been fallen into, from not duly attending to the difference between moral evidence and demonstration. On the one hand, probable proof has been called demonstration. When a writer has produced, in favour of some important point, a variety of reasons, all of the probable kind, yet of great cogency, and has shewn, that all the objections against it are either fallacious, or but of little weight, he often asserts that he has *demonstrated* his position. He may, indeed, have so far proved it, as to have excluded all reasonable doubt; yet he has, nevertheless, not demonstrated it. For, the highest degree of probability does not amount to a demonstration; and nothing can be a demonstration, where there is not an intuitive, and necessary connexion between every successive step of the proof. This practice has, probably, arisen from an inclination to magnify every thing important; and, from a disposition to the use of figures of speech. As demonstration is the highest species of proof, when we have so fully proved any point, as to have excluded all reasonable doubt, we say, by the figure hyperbole, that we have *demonstrated* it. This, however, is improper; because things, which differ in their nature, ought to be distinguished by different names; and when different names have been invented for them, it is wrong to

confound the things by using the name of the one for the other. It has, besides, a tendency to defeat its own end; for, with all, who have been accustomed to a more accurate use of words, it is calculated rather to weaken, than to strengthen, the force of the proof; inasmuch as it excites them to enquire, not whether the question has been proved by sufficient evidence, but whether there is an intuitive and necessary connexion between each successive step of that proof: and, as it is evident that there is no such connexion, doubts are raised in their minds.

On the other hand, a position, for which sufficient probable evidence is brought, is often denied to be proved. This happens most frequently when an opponent demands our assent to some point, which seems unfavourable to our present interests. But, the word proof ought not to be confined to demonstration, any more than the name demonstration to be given to every species of proof. Lawyers have their proofs, as well as mathematicians. And should a mathematician censure a lawyer, who had asserted that to be proved, for which sufficient evidence, according to the established rules of law, had been adduced, because it had not been demonstrated, he would be considered as absurd. Divines, too, have their proofs; and though they do not amount to demonstration, yet, if they be sufficient to ex-

clude all reasonable doubt, they ought to be admitted to be proofs. In truth, wherever there is produced, in favour of any proposition, the highest kind of evidence of which it admits, and in a sufficient degree to outweigh all that can be urged against it, it may properly be said to be proved.

## CHAP. II.

### *On the different Kinds of Moral Evidence, with Observations on the weight of each.*

IN this chapter, it is proposed, to inquire into the different kinds of moral evidence; the degree of credit which is usually given to each kind; and the influence which each may reasonably have on our judgment.

The first kind is, *Observation* or *Experience.* The observation of a specific fact, or what, perhaps may, in strict propriety, be called experience, does not belong to this subject, but to a higher species of evidence. For, if I can recollect that I observed a certain fact, I have the evidence of certainty for its having existed, and not that of probability. But, the observation or experience here intended, consists of the general conclusions which have been deduced from various subjects of the

same kind. It is also *personal* observation; *i. e.* it consists of the conclusions which a man has deduced from his *own* observation.

The specific facts, which are the subjects of our observation, are all of them individuals; and taken separately, furnish us with no other knowledge, than that of their own existence. But, when we compare together the observations which we have made on different facts of the same kind, we are enabled to draw from them general conclusions, which are applicable to particular cases. The nature of those conclusions, the way in which they are deduced, and the manner of applying them to particular cases, vary according to the nature of the subjects observed.

On comparing together different facts of a similar kind, they appear to have been sometimes *uniform*, at other times *various*. Thus, the common operations of nature, as the ebbing and flowing of the tides are perceived to be *uniform*. The same *uniformity* is observed in the properties of substances; as the ductility and malleability of gold, the melting of lead in fire, and its sinking in water. But the state of the weather, the direction of the wind, the effects of many articles of food and medicine, the success of most of the plans and operations, in which men engage, are all observed to be *various*. Again, facts of some kinds will ap-

pear to be either uniform or various, according as our observation of them is more or less extensive. Thus, the moon, if observed during the space of only a few days, will exhibit great variety, both in the time of its rising, and in the form in which it appears; and thence may be called, as it has been by poets, "the inconstant moon." But, if the observation be extended to a longer period, these changes will appear to take place uniformly. Hence, facts of this kind may be properly considered as uniform. Thus, then, the subjects of our observation may be reduced to two classes, viz. those which are uniform, and those which are various.

*First.* In things that are *uniform*, general conclusions are drawn, by collecting those points in which the uniformity is observed, neglecting those in which they have been perceived to differ, and making those uniform points the predicate of a proposition of which the things themselves are the subject.* Thus, on comparing our observations of the sun, we find that every day it rose and set, sometimes involved in clouds, at others shining with

* For the information of those who are wholly unacquainted with logic, it may be necessary to observe, that a proposition is a sentence, in which any thing is affirmed, or denied of another thing: that the subject of a proposition is that, concerning which any thing is affirmed or denied and that its predicate is that which is affirmed or denied of the subject. Thus, "Plato was a philosopher," is a proposition, of which Plato is the subject, and Philosopher is the predicate.

splendour. Neglecting, then, the circumstances in which it differed, and attending to those only in which it was uniform, we deduce this general conclusion, that the sun rises and sets every day. Or, recollecting that all the masses of gold which we have ever seen, however various their forms, were yet yellow, and very heavy; neglecting the varieties of their forms, we infer, that a yellow colour, and great weight, are properties of gold. This species of reasoning is called by logicians, an induction of particular facts of the same nature.

The conclusions, thus drawn from uniform subjects, are general truths. Thus, it is a general truth, that night succeeds day, and day night; that Spring, Summer, Autumn, and Winter, follow each other in regular succession; that iron sinks in water; and that wax melts in fire.

In applying these general conclusions, we learn what to expect in every particular case: and the expectations, founded upon them, are attended with a high degree of moral evidence.

But, it should be remarked, that the more frequently we have repeated our observations of uniform subjects, and the more various the circumstances are, under which they have been made, the more correct will our conclusions be, and the more safely may they be applied to particular cases.

It will, perhaps, be objected to this theory, that it is a rule amongst philosophers, that one correct experiment is sufficient to establish a general truth. Whether this rule be, or be not, just, it will, when duly considered, be found not at all inconsistent with what has been advanced. We are here speaking of the conclusions, which a man may be able to deduce from his own personal observation, unassisted by any information derived from others. Their rule supposes the experimentalist to be possessed of much previous information, derived, not only from his own experience, but from the general observation of mankind. When a philosopher draws from experiment a general conclusion respecting the properties of any substance, he presumes that that identical substance, on which he tried his experiment, possessed exactly the same qualities with all others which are considered as of the same nature. Thus, if he would determine the specific gravity of pure gold, he must presume that the gold, which he uses for the purpose, possesses the same properties with all other pure gold. Now, on what is this presumption founded? A man, just engaging in researches into nature, and unacquainted with the discoveries of others, could not safely presume this. He could not yet know, that such is the uniformity of nature in her operations, that

the same qualities would be found in pure gold, at all times, and in every part of the world. But since, by the experience of many ages, the fact of this uniformity of nature has been established, the philosopher assumes it as the basis of his reasonings, and draws his conclusions from it, with perfect satisfaction. The conclusion, therefore, drawn from a single experiment, is not, strictly speaking, dependent on that experiment alone, to the exclusion of all other information on the subjects of nature. On the contrary, it pre-supposes an experience of vast extent, derived from the general observation of mankind.

As no man can be supposed to be at this time entirely unacquainted with the general experience of mankind, it may be asked, of what use it can be to lay down directions applicable only to a state of ignorance? I answer, that in order to understand rightly the subject of personal observation, it is necessary to consider it simply, as it is in itself, unconnected with the information derived from other sources. When it is clearly understood in this simple state, it will be understood, with greater ease, and correctness, when combined with that information. It will then be more easily perceived for what part of our knowledge we are indebted to our own unassisted efforts; and also, in what manner we must proceed in those

enquiries, which must be conducted by our own personal observation.

That subjects which have been observed to be uniform, do, in fact, excite an expectation of the continuance of the same event under the same circumstances, is confirmed by experience. It is evident, that they produce this effect in children, even in their earliest infancy, when, if they exercise reason at all, it must be only in the slightest degree. It is by this effect of experience, that they must learn the meaning of words. For, as there is no natural connexion between things, and the names by which they are called, it can be only by observing, that the persons, who surround them, constantly connect a certain sound with a certain object, that they can learn to regard that sound as its name. This information cannot, at first, be conveyed to them by words; because they are, as yet, unacquainted with the words necessary for that purpose. Experience operates in the same way, also, upon brutes; and by this means dogs, for instance, are taught so far to understand the meaning of certain sounds, as to be able to execute the commands of their masters in various particulars. As to the existence, then, of the fact, there can be no doubt; but the principles upon which this fact depends, have never, (so far as the author of this tract can learn,) been satisfactorily assigned.

Some have attempted to account for it on the principle of association. But it does not appear that the association of ideas naturally excites an expectation of our finding their objects always connected together. Having met a friend at a certain inn, I have associated the idea of the inn, with that of my friend; but this association excites in me no expectation of my always meeting him there; or even of my meeting him there at any particular time, unless I have some other reason to expect it.

This subject was thus stated in the first edition of this tract. But, on further consideration, a doubt has arisen, whether this fact may not be justly accounted for by association: and whether the want of the expectation of finding those objects always connected together in fact, whose ideas are associated in the mind, ought not to be attributed to the corrections of experience. When an idea is by any means recalled by memory, it comes, not abstractedly, but attended by all those circumstances, with which it was accompanied, when it was first present to the mind. The principal idea is, perhaps, never presented on recollection to the mind of an infant without its accessories; and thus both principal and accessories appear to it to make up only one compound idea: and consequently one part of this compound idea would seem to imply the presence of the

rest. The infant would, perhaps, continue to regard them as one compound idea (or, in other words, would always expect to find those objects connected in fact, whose ideas had been thus associated in its mind) were it not, that it often meets with the one without the others; and thus, it learns by experience, that the association of ideas will not always warrant the expectation of finding their objects connected together. Or, to speak more correctly, it finds that certain objects, whose ideas are associated, are always connected in fact; but that certain other objects, whose ideas are also associated, are not always connected in fact. In regard to the former objects, the expectation of finding them always connected continues to prevail; but, in regard to the latter, its expectation of finding them connected will be stronger or weaker in proportion as it has more or or less frequently observed them so connected.

Whether this, or indeed any other mode of accounting for the fact, be, or be not, true, it seems impossible to determine by experiment. For, we can neither recollect the processes of our own minds in infancy, nor ascertain the processes of the minds of other infants, with sufficient correctness to decide the question. All, therefore, that can be advanced on this point must be hypothesis. But very fortunately the rules of reasoning are not at all

dependent on the modes of accounting for this fact, or indeed for any other of the more secret operations of the mind. They are to be regarded as matters of curious speculation, rather than as of practical importance. If the reasonableness of the expectation of the same event under similar circumstances be inquired into, it will be found to be grounded on the presumption, that what has been observed to be uniform, depends on some established law of nature: and the evidence, which we have for the existence of these laws of nature, is the general experience of mankind.

*Secondly.* The other class of facts, are those which have been observed to happen *variously*. Conclusions are drawn from our observation of these, by collecting together, into one sum, all those instances in which we have perceived them to exist in a certain way; and, into another sum, all those in which we observed them to exist in a different way; and then, comparing these sums together, to determine the ratio which they bear to each other. If the instances on each side be equal in number, we conclude, that the general nature of the fact is uncertain. When they are unequal, we conclude, that that is the more general nature of the fact, which is conformable to the side on which the excess lies; and [redacted] conclusion becomes so much the

stronger, in proportion as the instances on the one side, are found to be more numerous than those on the other.

In applying these conclusions to particular cases, where the instances on each side have been observed to be equal in number, we form no expectation at all in what way the event will happen in any proposed case, but regard it as a matter of equal chance, or perfect indifference. But, when the instances on one side have been observed to exceed those on the other, we naturally form some degree of expectation, that they will happen in each proposed case, as we have most frequently observed them. And the greater the ratio is, which those on the one side bear to those on the other, the stronger is this expectation.

Thus, for example, if out of a great number of instances, in which men had eaten of a certain fruit, those in which it had proved harmless, were exactly equal in number with those, in which it had proved injurious, it would be considered as a matter of *absolute uncertainty*, whether or not it would injure a person, who was going to eat of it. If rather more had been injured by it, than not, it would be considered as *probable*, that it would injure him. But, if very few out of the number had escaped injury, it would then be regarded as *highly probable* that he would be injured by it.

As the ratio, which the instances on each side bear to each other, may vary almost infinitely, so may the degrees of expectation or probability vary almost infinitely, from the confines of moral certainty to those of absolute uncertainty.

In forming our expectations from facts, which we have observed to be various, we presume, that the event is directed by some cause, known, or unknown, which, though it be not sufficiently powerful always to controul the event, but may sometimes be overcome by some unknown circumstances, yet always tends to make it happen one way, rather than the other.

Before we quit this part of the subject it may be remarked, that we often recollect the general conclusions which we have deduced, when we have forgotten the particular subjects from which we deduced them. This happens especially when the subject had in it nothing new, or surprising, and was attended by no circumstances, which by association had fixed themselves in our minds. Thus, a man who had rarely seen a certain phœnomenon in nature, or curious experiment in chemistry, would not only recollect it, but also the circumstances of time, place, and persons, which accompanied it. Whereas, he, who had frequently seen such things, might recollect little of those circumstances; though he clearly re-

membered the general conclusions, which he had deduced from them. The one he would treasure up in his memory, as of importance to be recollected; while he would neglect the other, as of no consequence.

The second kind of moral evidence, to be considered, is *Testimony*.

Testimony, is either divine, or human. Divine testimony, when evidently such, produces perfect certainty. For, whatever God says, must be true. It, therefore, belongs to a higher species of evidence, than that which is the subject of this tract. But then, it must be ascertained, that what is affirmed to be the word of God, is really God's word: and this inquiry must be conducted on the principles of moral evidence, On these principles, the authenticity of the bible has often been investigated, and proved, with an accumulation of evidence, of which no other fact in the world ever admitted.

Human testimony, is the evidence of a person, who declares that he himself observed a certain fact or event.

It is the evidence of one witness, or of more. Each separate witness, if he be really an independent or original witness, strengthens the

evidence. But before it be admitted, that the evidence is thus confirmed, it should be ascertained that they are really independent witnesses. For, if the second witness did not observe the fact himself, but assented to it only on the testimony of the former, his evidence should be disregarded, and the subject rests on the testimony of the first. But, on the contrary, if they should both be found to be original witnesses of the fact, the evidence would then be strengthened in a much greater proportion than that of two to one; for the coincidence of their testimony is to be taken into the account, as well as the separate weight of each. And indeed, in many cases, in which either of the two evidences, taken separately, would produce scarcely any conviction, their concurrence, if they be known to be independent witnesses, might produce nearly moral certainty. The same observation applies, and with greater force, as the number of independent concurrent witnesses encreases. For it is more extraordinary, that many should coincide in their observation, and account of the same fact, than that two should; and that in a much greater degree, than in the proportion of their numbers.

Testimony may, also, be either direct, or incidental. Direct testimony, is the evidence which is professedly delivered on a certain sub-

ject. Incidental testimony, is that which is casually introduced on one subject, in the course of an evidence, or discourse, professedly delivered on another. It is of greater weight than direct testimony, because being casually introduced, it is less susceptible of a deliberate intention to deceive. And, it is of the greatest weight when the subject, casually introduced, is spoken of as known by the person, to whom the discourse is addressed, and an inference, or further information, is grounded upon it; because it is improbable, that a man would speak of a fact, which he was conscious was false, as known by the person whom he addressed; since he could not expect it to be believed, but must be sensible that he should thereby weaken the force of the rest of his discourse, if not provoke a public exposure.

Further, testimony is either simple, or confirmed by oath. The former is the only testimony which the ordinary events of human life afford. And, though many of these events may be of the highest importance, yet they admit of no other. On this we form our judgment of almost all facts, past or present, which do not admit of personal observation. Testimony, confirmed by oath, is nearly confined to judicial proceedings. Besides the ordinary weight of evidence, arising from the competency and presumed veracity of the wit-

ness, it introduces a solemn appeal to God, as a witness of the truth of what is affirmed, and implies a sort of self-execration, if it be false. The effect of this solemnity upon the minds of all who are not in an unusual degree void of religion, the superior guilt of perjury to a common lie in the judgment of all mankind, the punishment which it incurs if detected, and the infamy* with which it is followed, all combine to confirm an evidence delivered upon oath. Thus an oath for confirmation is to men an end of all strife.

*Lastly*, testimony is either spoken or written. In some cases, written testimony is of greater weight than unwritten. Thus, an account in writing of words spoken long ago, if written near the time when they were delivered, is more likely to be correct, than one given from memory. So also any intricate subject, consisting of a variety of circumstances, is likely to be stated with greater accuracy, if it were committed to writing soon after it took place,

* This infamy has probably as much influence on men, as all the other causes together; for, excepting our immediate interest or gratification, and often not excepting even these, the chief principle of human conduct is, as Mr. Locke observes, the Law of Reputation. Hence it is to be lamented, that such distinctions should have prevailed, respecting the nature of oaths, as tend, in some cases, to lessen the infamy of perjury. In regard to those oaths, on which the security of the property and lives of men depend, that infamy continues unimpaired, and therefore produces beneficial effects. But, in respect to Custom House, Excise, and Election Oaths, it seems much diminished; consequently, in those cases, the Law of Reputation checks the commission of perjury only in a slight degree.

than if trusted to recollection. The terms of a written contract, also, may be more safely relied upon, than those of a verbal one; because, if any of those terms happen to be forgotten, men are too apt to entertain opinions, favourable to their own interests, in their stead: besides, that an unforeseen change of circumstances often makes a change in their interests, which they are too apt to favour in the account of their engagements. In some respects, however, vivâ voce evidence is entitled to greater credit than written: because it does not admit of so much contrivance to deceive: because it is subject to cross-examination: and because the countenance, voice, and manner of speech of the witnesses, afford some indications of their veracity or falsehood. Added to all this, in written evidence it is requisite to ascertain, that it is really the writing of the person, to whom it is attributed.

On the principle on which credit is given to testimony, various opinions have been entertained: which are mentioned in the Encyclopædia Britannica, vol. ii. p. 532. Hume's opinion is, that experience is the sole ground of faith in testimony. To confute this, Campbell contends, that experience is the foundation of diffidence, rather than confidence, in testimony; for infancy is credulous, and old age distrustful; and maintains that testimony has a

*natural* and *original* influence on belief. Reid says, that there are two principles implanted in our nature which correspond with each other: first, a propensity to speak the truth; and secondly, a disposition to confide in the veracity of others. To speak truth, he considers as natural and instinctive, and as requiring no art, inducement or temptation, but only to yield to a natural impulse. Lying, on the contrary, he regards as doing violence to nature, and as never practised, even by the worst of men, without some temptation. The author of this article in the Encyclopædia, censures the representing of the speaking of truth as *instinctive;* because, as words are arbitrary signs, no *instinctive* connexion can ever have been formed between such signs and ideas. His opinion is, that, though there be no *natural* connexion between words and ideas, yet that words are so strongly associated to ideas, that, without a violent effort of the speaker to the contrary, they must always be in conformity with each other, that, hence, it is impossible, that a man should, without some effort, speak any thing but truth: for the ideas, of what he has seen or heard, are not of his own manufacture: but are generated by external objects; and till they be effaced from the memory, they must always, by the law of association, make their ap-

pearance there with all their mutual relations, and in their proper dress. It may, however, be remarked, that this author has not distinguished between the *intention* to speak truth, and the *means*, or *words*, by which that intention is to be executed. Though the latter be arbitrary; yet, the former may be instinctive. Another solution is that given in the Eclectic Review for May, 1807, p. 426, "The "experience of children (for in the very worst "society, every child hears probably a hundred truths for one falsehood) and the incomparably greater facility of relating from "memory than from invention, are quite sufficient to account for the tendencies to credulity and veracity, without supposing distinct principles in the constitution of the "mind: and if these causes are competent "to the effects, it is unphilosophical to seek "for others." This solution, which agrees in part with Hume's, seems the most probable.

Great part of our knowledge is, in childhood, obtained by testimony. We then believe almost every thing that is told us by our parents, or our nurses. This, though liable to abuse, is nevertheless a wise provision, as it is a means of furnishing us with information, which we could not otherwise obtain, but which may be necessary for our security then, or as a preparation for future improvement. At an

early period, we find, that not all that is told us is true; which tends to weaken our implicit reliance on testimony. This, at first, extends only to particular things, in which we have been deceived. Then, perhaps, it applies to particular persons, whose falsehoods we have had frequent opportunities of detecting. But, as in our progress, we find, that instances of deception are not confined to particular subjects, or particular persons, we gradually learn to suspect testimony more and more. Still, as we grow older, we become even more suspicious of it; and learn by experience, that it is necessary to restrict our belief in it by certain rules. Thus, as our ability of obtaining knowledge, by other means, increases, our implicit reliance on testimony gives way to a more rational belief in it. But, though our disposition to credit it be in some measure controuled by experience, it is seldom regulated by it sufficiently. For notwithstanding the suspicions, which frequent deceptions occasion, that disposition to credit testimony is still so strong in most men, that they cannot help giving more credit than is due, even to those who are known to allow themselves to deviate from truth; the inconveniences of which they often feel. On the other hand, there appears, in a few men, a strong disposition to discredit testimony, at least on

certain subjects. But, an implicit belief of testimony, and a determined rejection of it, are both extremes; between which there is a just mean to be observed. There are rules, which, if carefully applied, will generally enable us to determine, with tolerable accuracy, when it may safely be credited, and when not. These rules must be sought from experience. In our intercourse with mankind, we observe, that they generally speak the truth, except when they are influenced by prejudice, interest, or passion; but that, when they are under the influence of either of these, they frequently attempt to deceive. Hence, if we may reasonably presume, that in the testimony, which a witness gives, his mind is wholly unbiassed; he may generally be regarded as worthy of credit, but not otherwise.

Thus, it appears, that the credibility of testimony if it be not originally derived from experience, is yet restricted by it to certain circumstances, and under these circumstances is confirmed by it.

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We are often informed of things, not by the person who observed them himself, but by one who was informed of them by the observer; and frequently the information passes through

several hands before it reaches us. If all the persons, through whom the information has passed, be known, this, for the sake of distinction, may be called *Remote Testimony;* but, if they be unknown, it is *mere Report.* The weight of this kind of evidence is less than that of immediate testimony; and the greater the number of persons is, through whom the information has passed, the less credit does it deserve. Because, there is then so much the greater danger of their having misunderstood each other; and because the risk of misrepresentation, or of intentional deception, which are common to all testimony, is repeated as often as the information passes from one person to another.

The third species of moral evidence, is of a mixt kind, possessing partly the nature of personal observation, and partly that of testimony. It is that by which we learn from others, those general conclusions which they have deduced by the observation of a variety of facts of the same kind. It differs from the first kind; because that relates to the general conclusions which we deduce by our own personal observation. And, it differs from testimony; because that relates to the specific facts which our

informer has observed, and not to the general conclusions which he has deduced.

Here, also, it should be noticed, that the subjects observed, may have been perceived to be either *uniform* or *various;* and nearly the same remarks may be made upon each, which have been made already, under the head of Personal Observation.

A very considerable part of the knowledge possessed by men, even of good education, is thus obtained. For, human life is too short, and the opportunities of most men too few, to furnish them with sufficient knowledge, by personal observation.

The weight of evidence to be attributed to the information thus obtained, depends on several circumstances.

The nature of the subjects is one of these. Many subjects are level to the capacity of every man. Here, no doubt can arise on account of the difficulty of making the observations. Of subjects, not so obvious as these, some are capable of more accurate observation than others. Thus, general truths in chemistry may be more easily ascertained, than in agriculture; because the circumstances of the experiments admit of being regulated at discretion in the one, but not in the other; and, because the experiments in the former are

terminated in a shorter space of time, than those in the latter.

Much also depends on the character of the observers. Our knowledge of the ability of our informer, of his care and accuracy in forming his judgment, and his usual regard to veracity, will greatly influence our reliance upon his information. The members also, of some professions, are, from their education and habits, more capable of accurate observation, than those of others. Thus, experimental philosophers are more able observers than farmers. The relations of the one are also more worthy of credit, than those of the others; both, because there is a connexion between accuracy of observation, and fidelity in relation; while they who judge at random, generally either speak at random, or supply the defects of their observation by invention; and because a mis-statement in subjects, which admit of greater accuracy, is more easily detected, and attended with greater disgrace, than in those which are more vague.

The number of our informers, is another circumstance, by which the credibility of their information is regulated. This depends, not only on the principle which regulates belief in testimony, but also, on its being less probable, that several persons should be mistaken in the general conclusions, which they have

drawn from their observations, than one. This remark, however, supposes the subject to be such, that the observers are competent judges of it; otherwise, the information of one person, whose skill and general veracity are known, is more worthy of belief, than that of many, of very inferior capacity and credit.

When the same information is delivered by all, so far as we can learn, who have had opportunity of observing the subject, we have then the strongest proof, of which this species of evidence, taken alone, can admit. This, however, is capable of being increased by our own personal observation. For when, by this means, we have deduced the same conclusions, which we have learnt from others; we are more fully convinced of their truth, than if we had received them upon their information alone. For instance, he, who has tried experiments in chemistry, natural philosophy, or electricity, has a firmer conviction of their truth, than he who has only read of them. Thus, these two species of evidence, when they concur, very much confirm each other. And, when our own personal observation has been both constant and extensive, and also coincides with the experience of all, whose observations on the subject we have ever known, we have the highest degree of proof, of which the subjects of moral evidence are capable;

and our assent rises to moral certainty. For, whatever coincides with our own constant and extensive experience, and that of all other men, so far as we can learn, we may conclude, to happen according to some established law of nature; and therefore, not to be subject to those contingencies, to which other events are liable. It is thus, that we are satisfied of the truth of certain propositions respecting the common operations of nature, and the properties of substances; as, that the sea ebbs and flows, that the sun rises and sets, that lead sinks in water, and melts in fire. That these propositions are true, no doubt can be entertained. Yet, even this evidence, great as it is, falls short of demonstration; and that, whether the propositions affirm the properties of their subjects as general truths, or their events in particular cases. If they affirm the properties of their subjects as general truths, the evidence depends on my own observation, and that of others. Now, my own observation, however constant, must necessarily be very limited. My inference must, therefore, be drawn from a very small number of cases, compared with those, which actually exist: consequently, it is possible, that the subject may not be constant; though I have never seen it otherwise. The same may be said of the other persons, whose observations coincide

with mine, both severally and collectively. For the subjects, which have been observed by all the persons, whose judgment I have been able to collect, must be but a small part of those of the same kind which exist. Added to this, their observations have been communicated to me by testimony; and it is possible, that their testimony may be false. For such a proposition, therefore, I cannot attain certainty; consequently, the evidence falls short of demonstration. A remarkable instance of failure in a proof of this kind occurs in the well-known case of the king of Siam, who rejected the evidence of the Dutch Ambassador, for the existence of ice. His own constant experience, and that of all others, so far as he could learn, were in direct contradiction to the Ambassador's assertion. He had, therefore, as strong reason for disbelieving it, as the most constant experience could afford; yet he was mistaken.

This evidence is, also, inferior to demonstration, if the propositions affirm the event of things in particular cases: for, as it was observed, the conclusion, which my own constant experience, and that of others, affords, respecting these events, is that they happen according to some established law of nature. Now, the laws of nature depend upon the will of God. But, we cannot be certain, that it

is his will, that they should always continue the same. He may have been willing to suspend them on certain occasions, where it seemed fit to his infinite wisdom. He may even determine that they shall be totally changed or abolished.* Hence, we cannot be certain, that events, which depend on these laws, will always continue the same. Consequently, the evidence, which we have for these events, is inferior to demonstration.

It should be remembered, that the will of God is both the foundation of the conclusions deduced from constant experience, and the limit to them. As it secures their truth against the effects of human caprice, and other contingencies; so it excludes their truth in all cases, in which it may be his will, that the events should be contradictory to experience.

As personal observation, when it coincides with the accounts which we have received of the experience of others, confirms them; so, when it is contradictory to them, it lessens their weight; because, it then induces a belief, that what has been delivered on the subject, is only a popular error. And, as such errors have prevailed, a reasonable suspicion of fallacy may be entertained on the point in question.

* No proposition, founded on constant experience, can be better established than that the sun will rise to-morrow; yet, he who believes in Revelation, must admit that a day will come when even this proposition will be false.

Such a suspicion may arise, especially, where the subject requires extraordinary skill and dexterity, or peculiar accuracy of attention to all the circumstances, under which the event is to be observed. For, it may then be presumed, that there has been some defect in these requisites in former observers. But it is necessary, that the person, who thus relies on his own experience, in opposition to general opinion, should be satisfied, that he possesses these qualities in an extraordinary degree, and has properly exercised them; otherwise, he ought rather to suppose, that there has been some error in his experiments.

In some cases, personal experience would lead to false conclusions, which could be corrected only by the experience of others. Thus were we to conclude, that what we had observed in the manners, opinions, and characters of men, were general truths, depending on some permanent cause, our conclusion would be erroneous. For men have differed much in all these respects, in consequence of the various circumstances in which they have been placed. But, these differences we learn, not from our own experience, but from the experience of others: and thus, their experience shews, that what we might conclude to be uniform, was really various. On the other hand, there are facts, which would, on per-

sonal observation, appear to us to be various; but which the experience of others would shew us to be uniform. Of this nature are comets, which appear at too distant periods for any individual, unacquainted with the observations of others, to determine to be uniform. Eclipses, also, would scarcely be discovered to be uniform by the insulated observations of an individual; and, indeed, history furnishes us with instances of even nations who were ignorant of their uniformity. Thus, we are told, that the Lydians and Medes were induced to put an end to a war, which had lasted five years, by an eclipse of the sun, which happened while they were engaged in a doubtful battle; evidently from an ignorance of the uniformity of eclipses, and probably from a supposition that this eclipse manifested the anger of the Gods against their contests. And the inhabitants of Jamaica were, by a similar ignorance, prevailed upon to renew their supplies to Columbus, by his foretelling a total eclipse of the moon, with the time when it would happen, and which he pretended was a mark of the vengeance of the Great Spirit against them, for refusing to support his servants.

General Notoriety, is a fourth kind of moral evidence.

When we find that a thing is fully believed by all men, so far as we can learn, it is then said to be a matter of general notoriety. This kind of evidence relates both to specific facts, and to conclusions drawn from observation. It agrees with testimony, inasmuch as the information is received from others; but it differs from it, because we have not here the evidence of any particular individual, who pretends, that he himself personally observed the fact. And, it differs from general observation, because our informers do not pretend, that they deduced the conclusion from their own observations.

Most men have no other evidence than this, for a great, perhaps the greater, part of the facts and general truths, which they believe. They have neither observed those facts themselves, nor have they received them on the testimony of those who did observe them. But, they believe them, because they find them generally believed, and disputed by none. So, also, as to the general conclusions, which they hold. They have neither deduced them by their own observation, nor have they been informed of them by those, who did deduce them; but they find them universally maintained, and never doubted; therefore, they

also admit them. Even truths, capable of demonstration, are received by a great part of mankind, on no higher evidence than this. For they have neither demonstrated them themselves, nor been informed of them by those who have; but they admit them because they are universally received. It is thus that many of the truths in natural philosophy are believed by men in general. And it is thus that many geometrical truths are believed by artificers and constantly applied to practice in setting out their work.

The weight of this species of evidence, depends partly on a presumption, that if the assertions were not true, they would not be universally believed, but would be contradicted; and partly, perhaps principally, on experience; for, though we are in the constant practice of believing them, and acting upon them as true, we have seldom found ourselves mistaken. Thus, the rules of arithmetic, as of addition, subtraction, multiplication, and division are found, when properly applied to lead to correct conclusions. We therefore place the utmost confidence in their truth. Yet, though they are all capable of demonstration, very few persons comparatively have ever seen them demonstrated.

A fifth kind of moral evidence, is *Report.*

The word has various significations, which it is not necessary to mention. It is here used to signify a rumour or account of certain facts or events, more or less believed. If the account be fully credited, it then belongs to the article last mentioned. We are here not only without the testimony of any individual who professes to have observed the fact in question himself; but we do not even know the channel through which the information came; for, if this be known, it is not a subject of mere report; but of remote testimony. The weight of this species of evidence is much less, than of either of the preceding. It depends, partly, on a presumption, that if there were not some ground for the report, it would not have arisen; and partly on experience, which points out the circumstances, that render it more or less credible. These circumstances will be more conveniently mentioned in a subsequent chapter.

*Tradition*, is a sixth kind of moral evidence.

It is the relation of a fact or event, which happened some time ago, and which was not committed to writing by any person who observed it, but was communicated from one to another, for a certain period of time. To this

is to be attributed almost all the information, which we have of the history of nations in their infancy; and our knowledge of many circumstances belonging to particular persons, or particular places, which are not recorded in history. But, the tendency of mankind to exaggerate, and to supply the defects of memory by invention, renders accounts so handed down, very uncertain.

All the above kinds of moral evidence may be considered as *external;* because the evidence on which the proposed subject is believed, does not arise from the subject itself, but from some external source. Besides these, there are other kinds, which, as they arise from the subjects themselves, may be considered as *internal* evidence.

The first of these is *Analogy*. This is, when from the resemblance, which the subject in question bears to some other known subject, it is inferred, that they both had the same origin; or both possess similar properties; or, under similar circumstances, are likely to be affected in the same way; or to produce the same effects. It is by this species of evidence, that we are able to apply to particular occasions, the *greater part* of the information, which we have

derived from personal observation, and the general observation of mankind. Thus, it is from the resemblance which a disorder, in a certain patient, bears in its symptoms to other disorders which a physician has already observed, that he is able to ascertain its nature, and prescribe for its cure.

The weight of the evidence by analogy admits of great variety, according to the particular nature of the subject to which it is applied: and, in every particular class of subjects, that weight must be determined by experience. For, experience will teach us with what degree of safety conclusions have been drawn in each class, and therefore, with what degree of probability they may be drawn in future. It should be, however, observed, that reasoning by analogy is not equally safe in drawing general conclusions, as in applying, to particular cases, the general truths already established.

*Probable inferences, drawn from facts, or from premises,* belong also to the head of internal evidence.

Inferences from facts are termed by lawyers, *Presumptions;* and are opposed by them to *posi-*

*tive proofs.** These inferences are of greater or less weight, according as it is more or less probable, that the facts or circumstances, already established, would not have existed, unless the fact, which is inferred from them, had existed also.†

Thus, if on a remote island, a hovel should be discovered, it would naturally be inferred, that some human being had been there; and this inference would amount to a moral certainty.‡ Or, if a man be found dead in a house, with a bleeding wound, apparently made

* By positive proof is meant the evidence of testimony of men on oath, or of writings, or records. A just rule of law respecting presumptions is that they are to be relied upon only until the contrary be proved. Blackstone, iii. 371.

† In Gilbert's Law of Evidence, it is said, that "when the "fact itself cannot be proved, that which comes nearest to the "proof of the fact, is the proof of the circumstances that neces- "sarily, and usually attend such facts." But, it should seem, that what affords a safe ground to infer the fact, is, not that, if the fact did exist, it would have been attended by such or such circumstances; but, that those circumstances would not have existed, unless the particular fact alledged had existed also. For, as there may be several different facts, which would be attended by the same circumstances, the existence of the circumstances affords no ground to conclude which of those facts did actually exist. Just as, when a certain effect might be produced by several different causes, we have no ground to infer by which of those causes it was in reality produced. But, when there is only one cause which could have produced the effect, there we may safely infer the existance of the cause from that of the effect.

‡ When the philosopher, Aristippus, who was cast away upon an unknown shore, beheld certain geometrical figures distinctly marked upon the sand, he was naturally led to conclude, with a degree of confidence not inferior to moral certainty, that the country was inhabited by men, some of whom were devoted to mathematical science. Now, had these figures been less accurately formed, and more like the work of chance, the presumption, that the country was inhabited, would have been weaker; and had they been of such a nature, as to leave it doubtful, whether they were the work of accident or design, the evidence would *have been* too ambiguous to serve as a foundation for any opinion.

with a sword, and another man be observed running out of the house with a bloody sword in his hand, there being no other person found on the spot, a violent presumption would arise, that the fugitive was the murderer. For, though it be possible, that the deceased may have killed himself, yet, the hasty flight of this man, with the bloody weapon in his hand, are circumstances which give the inference considerable probability.

So, also, a receipt for rent, due at a certain time, affords a probable presumption, that the rents, which were due previous to that time, had been paid. Thus, also, attempts to conceal, afford a presumption of guilt, and, on the contrary, openness affords a presumption of innocence.

Inferences from facts are deduced by analogy. For, the presumption is founded on the resemblance which the fact in question bears, in its circumstances, to other known facts.

The term, *presumption*, is given not only to inferences from facts, but, also, to all other conclusions not supported by positive proof. These presumptions respect both the past and the future. Thus, our judgments of men's motives and intentions, especially when they have not declared them in words, are only presumptions. The opinions which we form of the future conduct of men, under certain

circumstances, are also presumptions. All these presumptions are of greater or less weight according as they are more or less consistent with experience; and when they are inconsistent with it, they are of no real weight. Thus, the presumption that a man, under certain circumstances, will not abuse the power intrusted to him, is probable, or not, according as it appears from experience that men in general similarly circumstanced, have, or have not, abused their power.

Tables, shewing the probabilities of the duration of human life, are deductions from facts; and the application of these tables to the assurance of lives, or the purchase of annuities, are probable inferences, drawn from the general truths laid down in them.

So, also, the doctrine of chances consists of inferences from facts. That a die, for instance, has a certain number of sides, is a fact; and that each side is as likely to come upwards, on being thrown, as any other, may be safely assumed. But the calculations of the chances of throwing an ace, or any other number, in one or more throws, are only probable inferences, drawn from these premises.

But, as these subjects belong to the science of mathematics, rather than to that of general reasoning on matters of fact, it will be sufficient just to have mentioned them here.

Of inferences from premises, it should be observed, that when they are intuitive and necessary, they belong to demonstration; but, if they be only probable, they belong to moral evidence.

Our conclusions from premises are safe, only when, and so far as, we have a clear and certain knowledge of the connexion or repugnance of their subjects and predicates. I say, only *so far as* we have this knowledge, because we may sometimes know that the subject and predicate are connected, but be ignorant of the nature and extent of that connexion; and consequently we cannot safely draw a conclusion respecting its nature or extent. But, as this subject properly belongs to logic, and has been fully discussed by logicians, it will not be necessary to enlarge upon it here.

Under the head of internal evidence, may, also, be mentioned the consistency of the parts of any relation of facts with each other; the appearances of simplicity, or of art and contrivance, with which the relation is delivered; the candour or partiality, which appears in the relation; the affording a fair opportunity of detection of what might be false or erroneous; or the studiously avoiding detection, by an attempt to render the standard of truth, upon the question, uncertain.

The weight of evidence arising from these

circumstances, depends on experience. For, it is by experience that we discover how far a person may have observed, correctly, some part of a fact, and incorrectly another part; or what illusions of imagination he may have been subject to, during the progress of the event which he relates. It is, also, by experience, that we discover how far true relations usually differ from those that are false, in the other circumstances just mentioned.

Upon the whole, it appears, that the two principal kinds of moral evidence, are Experience and Testimony; that the rest (except inferences from premises) are only combinations, or modifications of these; and that the sphere of experience is greatly enlarged by testimony; while, on the other hand, testimony is restricted and confirmed by experience.

## CHAP. III.

### *General Directions relating to Moral Reasoning.*

MOST of the directions, here proposed, will be found perfectly obvious; and therefore may be thought superfluous. But, obvious as they may be, to all who duly consider the subject, they are rarely attended to in practice.

And this is one reason why errors in judgment are so frequent. As they are, probably, no where collected into one point of view, for the assistance of the student, they are here brought together for his use. It is to be wished, that in deciding on questions, he would form a habit of reducing them to practice. Some of them will appear not to relate immediately to moral evidence, as defined above. But, as the general questions to which they refer are most frequently of a mixt nature, involving in themmatters of fact, or general truths deduced from observation, as well as subjects of law, morality, or of some other art or science, and therefore require a knowledge of moral evidence to their decision, it was thought useful to introduce them.

The directions here proposed may be more easily remembered if they be collected under separate heads, and methodically arranged. They shall be mentioned, therefore, in the following order, viz. *First*, those which may be considered as a sort of previous qualifications for the examination of questions in moral evidence. *Secondly*, those which should determine whether or not we ought to engage in the discussion of the question proposed. *Thirdly*, such as must be observed in the discussion of questions. And *lastly*, the principles on which the weight of any probable argument, or the probability of any event, ought to be determined.

*First.* To qualify ourselves for the examination of questions in moral evidence.

1. We must acquire fixt principles of evidence, and learn to apply them as steadily, and impartially, as possible. To this end we must acquaint ourselves with the sort of evidence, of which different subjects admit; and form settled and steady notions of the weight of the different kinds of evidence, and of the circumstances which contribute to weaken or confirm them. Thus, we shall engage in the discussion of subjects, with less danger of being biassed by interest, and, therefore, with greater probability of deciding justly. Nothing, perhaps, has contributed more to the impartiality with which justice is administered in our courts, than their having an established law of evidence, in which is laid down what evidence shall be admitted, and what rejected. In private discussion, little progress seems to have been made towards this important object. Hence, we see men attributing great weight to evidence in their favour, but very little weight to the same kind and degree of evidence, in opposition to them. Thus, disputants are like fraudulent tradesmen, who have two sets of weights, one to be employed in their purchases, and the other in their sales.

2. We should acquire a habit of examin*ing*, at the commencement of every discussion,

whether there be not some general principle, or some standard, by which the question must be determined. If there be, the discovery of it will both direct our investigation, and conduct us most speedily, and most securely to our decision. But, if we neglect to discover it, we shall wander in our inquiry without an object, and, after all, seldom arrive at a just conclusion. For instance, to determine whether a war were or were not successful, it should be ascertained at the outset, what constitutes a successful war. So also in deciding on the characters of men in any station of life, we should previously ascertain what are the duties of their station, and what are the qualities in which excellency or defect in that line consists. A clear view of these duties and qualities is also requisite to enable us to decide, whether a man be or be not fit for a certain employment. We must, however, be careful that the general principle which we assume, be both true in itself, and also, applicable to the point in hand; and, to ascertain this, we should accustom ourselves to bring it forth to view, and to submit it to examination. This direction is the more necessary, because it is probable, that our decisions are often made upon latent principles, which, if we were to examine them, we should not suffer to influence our determination.

3. We should acquire a habit of referring every thing, which will admit of it, to its end; and of determining its value by its subserviency thereto. This will afford a just standard on a subject, which would, otherwise, admit of none. Thus, in ascertaining what is the best style of writing, it should be considered, that the end of writing is to communicate ideas to the reader; and, therefore, that that must be the best style, which conveys them to him with the greatest clearness and force: compared with these qualities, ornament and dignity are but of little value. But, what that style is, which is most clear and forcible, must be decided by experience. If this rule be neglected, decisions of questions of this kind, will be left at the mercy of fashion and caprice, and therefore, be generally erroneous.

4. We must acquire clear and precise rules of judgment; such as are capable of an easy application, and lead as nearly as possible to certainty; for they are valuable only as they possess these qualities. Rules, apparently precise, are often rendered vague, by some circumstance annexed to them, or by the introduction of indefinite limitations or extensions. Thus, the rule, that the dealings of men with each other should be regulated by principles of equity, is both clear and precise in itself, and admits of an easy and tolerably certain application;

because the value of property, or of services, may generally be estimated. But, if a provision be annexed to it, that one of the parties is to have rather the advantage, or according to the common phrase, to have the turn of the scale in his favour, it becomes indefinite, and very uncertain in its application. For, there is then nothing to direct the judgment, as to the degree in which the advantage is to be allowed, or how great a weight is to turn the scale.

Such rules are generally worse than none; because they induce men to attempt to decide by principles which cannot lead to a just decision. If they had no rule, they would either not attempt to decide at all, or would seek after some just principle, on which to ground their decision: but having, what appears to be a rule, they proceed to decide, and are deceived.

*Secondly.* To determine whether we ought to engage in the discussion of a question.

1. We should consider whether the question be worth investigating; and, to decide this, we should inquire of what importance the subject may be to us. Some subjects are important in themselves, or of importance to other men, while to us they may be of little consequence. Thus, many subjects in law or physic, may be of great moment to lawyers

or physicians, but of little use to a divine, a soldier, or a mechanic. And, should they employ in the investigation of these subjects, the time which is requisite to form a just judgment of them, they must neglect what belongs to their own station. But such subjects as belong to our peculiar line of life, or to our moral and religious conduct, or health and happiness, are important to us; and therefore, are worthy of our careful examination.

2. Consider how far the question will admit of being fully examined. Some subjects can scarcely be openly and fully discussed. The questions are already decided in the opinion of mankind, and their interest and prejudice prevent their examination of them. Arguments on one side, however weak, will be received with applause; while those on the other, however strong, will be heard with disgust. Thus, in a republic, arguments in favour of a monarchy, or in a monarchy, arguments in favour of a republic, will scarcely be duly examined. So also, when the current of popular opinion is in favour of war, arguments for peace will excite resentment; or, when public animosities prevail, arguments in favour of the objects of general hatred will expose him who urges them to great odium.

On such questions we should be extremely careful to divest ourselves of prejudice on either

side. For, truth does neither necessarily lie on the same side with the general opinion, nor on the contrary side. We must, therefore, examine such questions, as fairly as possible, on the ground of their own merits. But, in most cases, we should do this privately; for a prudent man will be well assured, that the duty of his station calls him to controvert the public opinion, before he exposes himself to the hatred of mankind by so doing.

Sometimes the arguments which are necessary to the decision of a question, cannot be urged, without a violation of the respect due to persons in authority; or without offending the person with whom we are discoursing, on account of the reflections which they must cast upon his conduct. Prudence must direct, whether the importance of the occasion will justify our incurring these evils or inconveniences; or, whether it be not better to avoid the discussion altogether. For, it is evident, that if these arguments be either not urged at all, or not with due force, we cannot arrive at a just decision. In our private examinations of such questions, we may, indeed, give every consideration its just weight, regardless of the discredit which it would throw on any person. This consideration, therefore, can be no reason why we should not endeavour to form our private judgment of such questions, as correctly as

possible. But, it is an important reason, why we should not debate them with others; and that, not only on account of the evils above-mentioned, but also, lest, from want of a due consideration of the arguments necessary to a just decision, we become accessaries to their errors in judgment, and practice.

3. Consider whether the question be capable of a satisfactory decision. Some questions cannot be determined, because the subject admits of no standard, but is altogether of an arbitrary nature. Thus, matters of mere taste have, in general, no proper standard; and, therefore, according to the old adage, "de gustibus nil disputandum." Others admit of no decision, because the subject, or predicate of the proposition, cannot be accurately defined. And others again do not afford sufficient evidence for a determination. From all such questions, it would be better to abstain. For, besides the loss of the time devoted to them, which might be more profitably employed, their discussion has a tendency to confuse the judgment.

4. We should consider whether we are competent to the discussion of the question. Incompetency may arise from a defect of abilities, or information; or from our being too much interested in the decision. The last is, probably, the most frequent, as well as the most

powerful source of incompetency; for nothing blinds the eyes, and perverts the judgment, so much as interest. If the question, however, be such that, though interested in it, we are under a necessity of deciding it, we shall act prudently in taking the advice of some judicious friend, who is perfectly disinterested. At any rate, our decision should be made with diffidence; and we should be ready to listen to any objections which may be urged against it.

*Thirdly.* When we have determined to enter upon the investigation, we should examine, in the first place, whether the question be fairly and clearly stated, so as to bring the real point in dispute to an issue. Sometimes, through ignorance, and often by design, the statement of a question includes something taken for granted, which necessarily leads to a decision in favour of the proposer. This amounts to begging the question; and therefore should not be admitted. Sometimes, the true point at issue is not expressed in the question: and then the discussion, however ably conducted, leads to no satisfactory conclusion. In this case, it would be proper to adopt the practice of special pleaders, and to ascertain all the points, in which we agree with our opponent, and those in which we differ from him. A new statement of the question may then be made, in which the errors of the former may be corrected.

2. We should form as clear and precise ideas as possible of the proposition on which we would decide; and carefully distinguish it from all others with which it is in danger of being confounded. If it assert a fact, we should endeavour to understand clearly its nature and circumstances. This will enable us to judge more easily and correctly of the weight of the evidence, which is brought to prove it. If it affirm or deny the nature or quality of any thing, we should gain as clear ideas as possible, both of its subject and predicate, so far as we undertake to judge of it. For instance, if a certain measure of administration were asserted to be constitutional or unconstitutional, we should gain clear and precise ideas, both of the measure, and of the constitution, so far as can affect the question. For, without such clear and precise ideas, it must be impossible to form a just judgment on the subject.

3. We should consider of what kind of evidence the proposed subject, under all its circumstances, is likely to admit; and, if such evidence be produced in a sufficient degree to counterbalance all that can be fairly urged against it, we should accustom ourselves to yield our assent. This direction is important, because we are often apt to expect stronger evidence, than the nature of the thing admits;

and thence, to feel dissatisfied, though the point be fairly proved. Thus, if in studying the evidence on any question of fact, we employ ourselves in examining whether there be not a *possibility* that it may be false, instead of considering whether there be not a *sufficient probability* that it is true, we shall certainly raise strong doubts in our minds. But, then, we should not study the subject rationally. Demonstration is the only species of reasoning, which, if even conducted correctly, can exclude the possibility of error. But facts do not admit of demonstration. They admit of moral evidence alone. The examining, therefore, into the *possibility* of error is inconsistent with the nature of the subject, and an absurd practice.

4. The foregoing rule relates to past facts, but a similar rule may be given respecting future events. It should be remembered, that the *probability*, and not the *possibility*, of an event is the proper ground for our conclusions. The propriety of this rule is too obvious to need proof. It has been, however, and is too often disregarded; as, when the prospect of a large prize in a lottery induces men to adventure, without a regard to the probability of success; or, the fear of an injury induces them to painful precautions, without considering the probability of its happening.

An instance of this kind is mentioned in the Port Royal Art of Thinking, of a princess, who, having heard that some persons had been killed by the fall of a roof, would never afterwards enter a house, without having it examined; and was so persuaded of the propriety of her conduct, that she deemed all those imprudent, who did not take the same precaution. This rule is also disregarded by those who offer to us possibilities, as sufficient answers to arguments of probability.

It is of great importance, both to the advancement of our knowledge, and to the happiness of our lives, to acquire a habit of disregarding; to a considerable degree, possibilities, and of forming our judgment, and regulating our hopes and fears, by the true probability of the case. In some men, hope seems naturally to prevail, in others fear. The former are apt to magnify a slight prospect of success into a strong probability; and the latter to increase too much the probability of dangers. Some dignify their rashness, by calling it a trust in providence; others justify their timidity by naming it prudence. But, these dispositions need correction, and are capable of being regulated by a due attention to the principles of moral evidence. Notwithstanding this rule, when the event, if it should take place, is of vast importance; and the line of conduct necessary to ensure our

safety, if it should happen, will be attended with no disadvantage, if it should not; there its possibility may properly determine our conduct. Thus, for instance, if a house be on fire, its inhabitants should endeavour to effect their escape, even though there should be the greatest probability of their failing. Because, if they succeed, they save their lives; but, if they fail, they suffer only what they would have suffered, had they made no attempt to escape; and the smallest chance of success imaginable, is surely worth the pains and labour of the attempt. So also, the eternal judgment is an event of infinite importance. He, whose conformity to the directions of scripture, will ensure his safety, if it should take place, will be no loser by that conformity, if it should not. Consequently, the very possibility of an eternal judgment, is a sufficient reason to engage in a preparation for it. This, however, is no exception to the rule, because, here the person is not supposed to draw any conclusion about the truth of the event. Decisions of questions of this kind, should proceed on a consideration of the importance of the event and its probability combined, according to a principle explained at the end of this chapter.

5. Since in most questions in moral evidence there are, as has been already observed,

must also be regulated by the degree of it. As the degrees of preponderancy may vary almost infinitely, so the degrees of assent may vary almost infinitely too, as has been already mentioned. If due care be taken to proportion, the degree of assent to the degree of preponderancy, it will prevent the errors, which would otherwise arise from precipitancy of judgment. Because then, whenever any opinion is held on slight evidence, it will be held subject to further examination, and will be corrected, if further evidence on the subject can be obtained. Besides, the person who so holds it, will probably be careful to express himself to others in such terms, as will convey to them a just idea of the degree of evidence, on which he has formed it.

*Fourthly.* To determine the weight of any single argument, or the probability of any event.

The chief difficulty consists in affixing a just value to each single argument; but, if this be not done, it will be impossible to sum up each side fairly, and of course impossible to strike a just balance. It may be thought impracticable to lay down any rules for the performance of this. And, indeed, no rules can be given, which will enable us to do it with certainty in any particular case; otherwise, moral evidence would admit of certainty, as *well as* demonstration. But, if certainty can-

not be obtained, it should be approximated as nearly as possible; and, for this purpose, we should avail ourselves of such directions, as will render us some assistance; though they be not capable of affording us all the help which we could wish. Now, the directions for determining the probability of any event, or of any simple question, on which there is only one argument on each side, will be found applicable to the determination of the probability of single arguments in more complex questions. Such directions shall, therefore, be proposed.

To determine the probability of an event, it should be considered, not nakedly, or by itself, but in all its circumstances. If all these circumstances be such as either never, or very seldom, have accompanied a falsehood, the event is to be regarded as probable; but, if they be such as have usually accompanied a falsehood, it is then to be considered as improbable. Or, that event, which, under similar circumstances, has more frequently happened than not, is probable: and that, which under similar circumstances has more frequently failed than taken place, is improbable. Or, again, that rule of judgment, on subjects of the same nature with that which is proposed, which, in most cases, where it is fairly applied, leads to a right conclusion, is a

just rule of probability; while that, which most frequently leads to a wrong conclusion, is a wrong rule. All these rules amount nearly to the same thing; but they are given in these different forms, because some subjects will admit of a more easy application of one, and others of another. They all require a reference to experience, to determine what is probable; for, experience is the true criterion of probability. We are too strongly disposed to reason *a priori*, or to form our opinions on what we suppose to be the nature of things, rather than to consider how the subjects in question have most frequently turned out; and thus we are led into errors, which a due regard to experience would have enabled us to avoid. We may rest assured, that the more attentive we are to experience in forming our judgments of the subjects of moral evidence, the more correct will our judgments be: and, that the larger our collection of experience is, whether founded on our own observation, or on that of others, the more capable shall we be of determining what is probable, and what is not. The necessity of founding our judgments on experience, instead of founding them on hypotheses, or arguments *a priori*, can scarcely be too strongly enforced; both because of the propensity which we have to reason on these latter grounds to the neglect of experience, and because of the errors

into which this propensity constantly leads us. To give an instance of these different modes of reasoning. Suppose the following question to be proposed for discussion: whether it would contribute to the good of the community, that a nation should provide for the education of its poor? They, who espoused the negative of this question, would, perhaps, tell you, that, if the poor were instructed, they would not be content to discharge those laborious offices in society, which are essential to the support of the community. Will a man, whose mind has been enlightened by education, be content to forego, by the farther pursuit of knowledge, the gratification of that curiosity which you have awakened in him, and submit to drudge on in the same constant round of operations, which can furnish not one new idea? Will he willingly continue to be your servant, to plough your lands, to thrash your corn, without a prospect of ever acquiring more than a bare subsistence; while he sees others, not superior to himself in information, rise to opulence and dignity? Will he patiently submit to be governed? They would tell you, that ignorance is the parent of submission; and therefore, that you must keep men ignorant, if you would have them good subjects. They, on the contrary, who maintained the affirmative of the question, would,

probably, tell you to compare Scotland, where the poor are remarkably well educated, with Ireland, where the education of the poor is as remarkably neglected; that the result of this comparison will prove, that the education of the poor is favourable to the interests of the community. Now, these latter would reason from experience; but the former would reason *a priori*. For they would be inferring from what they would think they knew of human nature, or from certain principles which they would assume respecting mankind, what would be the effects of educating the poor. It would be just as though I should infer what would be the effect of the mixture of certain substances, from what I supposed I knew of their properties separately, instead of trying what the effect would be, or learning it from those who had made the experiment. From the discoveries which have been made in chemistry, it is obvious that, in many cases, such inferences would lead to very dangerous consequences. From all that could be known of the properties of sulphur, charcoal, and saltpetre, separately, no one could infer that their mixture would produce such a substance as gunpowder. He, who was most accurately acquainted with the nature of oil of turpentine, and nitrous acid, would never have been able

to infer, that the instant they came in contact, they would produce a violent flame. In natural things, we know well enough the danger of admitting hypotheses, and arguing *a priori*, and that the only safe way is the way of experiment. It is, indeed, by rejecting the former mode of reasoning, and adhering to the latter, that all the great improvements in science in modern times have been made. And, certainly, wherever it is practicable to pursue the method of experiment in most other departments of knowledge not capable of demonstration, it will be found vastly more safe and successful, than resonings *a priori*, or on hypotheses.

In many cases, we are not satisfied with knowing, in general, what is probable; but we wish further to know, *in what degree* it is probable. This knowledge is important, when a question is to be decided by a comparison of opposite probabilities, or when there are arguments on both sides. Now, to determine this, is a much more difficult thing than to determine the former. It has, however, been done, and with sufficient accuracy, in some questions of as uncertain a nature, as any that can be proposed. Nothing, for instance, is more uncertain than the duration of the life of individuals. Yet, tables have been formed to regulate the expectation of life at different

ages, and with sufficient accuracy, to enable men to venture large sums of money in the purchase or sale of annuities, and assurance of lives with success. And, probably, if similar methods were adopted, and applied with as much care to other subjects, the comparative probability of many of them might be as correctly ascertained. These tables were formed by an application to experience. For, it was by observing how many persons, out of a given number, died at each particular age, that their rules were laid down. In all cases, which admit of it, experience should be the foundation of our rules; and happily, a great part of the cases, which we have to decide, will admit of that foundation.

In consulting experience, we are to consider, not merely how the thing in question has most frequently happened; for, this will enable us to determine only in general, that it is more probable that it will happen so, than the contrary; but, we are to consider, *how much oftner* it has happened so, than otherwise; for, this will teach us *in what degree* the event is probable. For instance, if I had observed only, that out of a number of persons, who had eaten of a certain fruit, more had been injured by it than not, I could then pronounce only, in general terms, that it would probably be injurious to any person who should eat of it.

But, if I had observed, that only one third of the number had escaped injury, I might then conclude, that the probability of its being injurious to any one who should eat of it, would be as two to one; or, if I had observed, that only one in a hundred had escaped injury, I might conclude, that it would be as ninety-nine to one.

Two points, however, must be attended to in forming our rules of probability from experience, in ascertaining both what is probable, and in what degree it is so.

The first is, to make our observations on as large a scale as possible. For, the more extensive the scale is, the nearer will the rules founded upon it approach to truth. Thus, if we had known of only two, or three persons, who had eaten of the fruit, we could not depend with equal confidence on a conclusion drawn from this experience, as if we had known of ten; nor, if ten had been the number, could it be as safely trusted as if we had known of a hundred; nor, if it had been a hundred, as if it had been a thousand, and so on. Because, when our observation is confined to a small number, there is a greater danger of the operation of the cause being affected by unknown circumstances, than where it is larger. And, the larger the number is, it is less probable that the interfering circumstances should

exist, and yet be undiscovered; and the more probable that the cause is connected with the observed effect, and regulated in its operation, by some established law of nature. Besides, where our observation is extensive, we are enabled to determine better respecting the energy of the cause; and, whether there exist more or fewer circumstances which can prevent, or interfere with its operations; and, perhaps, what those circumstances are. Thus, when the vaccine inoculation had been tried on only a few patients, though its success excited the attention of inquiring men, yet they would not presume to decide whether the disease which it occasioned were mild and safe, and whether it would secure the patient from the infection of the small-pox. But, as the instances of its success multiplied, their doubts have been gradually overcome. And, now that these instances are very numerous, their judgment of the propriety of the practice is established.

The other point to be attended to is, that the facts on which our rules are founded, have been similarly circumstanced with those to which they are to be applied. For, if this be neglected, we shall be exposed to continual errors. Thus, if an epidemical disease, which proved more fatal to persons of one age, than to those of another, raged in the city, from which tables of the expectation of life were

formed; and the observations were made at the time when that disease prevailed, they would lead to false conclusions; and they, who acted on those tables, would fall into great, and perhaps ruinous mistakes. For, they would judge of the probability of the duration of human life in ordinary circumstances, by observations made in extraordinary cases. So, also, tables of the rate of mortality founded on observations made in one place, are found not to be safely applicable to others differently circumstanced. Thus, the rate of mortality in large cities is found to be greater than that in the country, and in some towns than in others. From Dr. Price's book on annuities it appears, that, out of a thousand persons alive at one year old, there are living at the age of 40, at Breslaw 445, at Norwich 289, at London (from 1759 to 1768) 212, at London (from 1771 to 1780) 239, and at Northampton 420. It is obvious, therefore, that the tables formed for one place could not be correctly applied to another, unless it had been previously ascertained that the rate of mortality in both was nearly the same.* It often happens that the point in question cannot be determined by any direct experience,

* Northampton, being a healthy town, of a moderate population, containing about 7000 Inhabitants, has been selected as affording a mean between the mortality of towns and the country: and the tables, founded on the observations made there, are in general use.

because the exact experiment has never, within our knowledge, been tried. In all such cases, we should have recourse to that experience which comes nearest to the point in hand, and which, at the same time, is free from all such circumstances as might be supposed to occasion a different result. Thus in the investigation of the question proposed above respecting the effects of a nation's providing for the education of its poor, if we were unable to compare nations in which that education had been attended to and neglected, we should consider whether the experiment has never been tried on districts which may admit of being compared. For instance, in the Northern parts of this kingdom, education is more general than in the Southern. Are the poor, then, in the North less sober, less industrious, less orderly than in the South? The comparison of individuals, or of families, would not afford so safe a ground of decision as could be wished; because where it is unusual for a poor man to receive a good education, it is not at all wonderful, that he, who has been well educated, finding himself possessed of superior information to the generality of those by whom he is surrounded, should not be content to continue in the lowest station, but attempt to raise himself to that rank, to which his superior talents appeared to entitle him.

If, however, no experiment nearer than this to the point in hand could be discovered, it would be necessary to take this as the ground of our judgment; at the same time, endeavouring to make due allowance for the difference of the circumstances in the two cases.

The judgments founded on experience of a competent extent, and which exactly meets the question to be decided, are highly probable. And in proportion as the question from which the experience is deduced, is dissimilar to the question for present decision, the probability continually lessens, till the judgment founded on it becomes little more than conjecture.

To judge of the similarity of circumstances, it is necessary to distinguish those which may affect the event in question, from those which cannot; for the latter must be neglected, but the former carefully attended to. To make this distinction is often very difficult. For, many circumstances, which have been thought immaterial, have, upon a closer examination, and further discoveries, been found of great moment. Thus, in chemistry, the influence of light, which was formerly disregarded, has lately been discovered to be of great importance in many processes. As, for instance, muriat of silver will continue white if carefully preserved from light; but, if exposed

to it, will turn black. So, tincture of litmus will lose its colour, if kept in the dark, but will regain it on being exposed to the light. The influence of light on vegetation is, also, very considerable. Plants will vegetate in the dark, but they are then white, without either smell or taste, and several of them grow along on the ground instead of growing upwards. If they are brought into the light, the plants die down to their roots, but afterwards shoot upwards from the stock in their usual colours, and with their proper smells and tastes.* No rule, however, but attention to experience, or engaging in a course of experiments upon the circumstances, can be given to distinguish such circumstances as can affect the event from such as cannot.

What has been said of ascertaining *in what degree* an event is probable, is not to be understood as though it were possible to determine in all cases the degree of probability with precision. The utmost that can be attained in most subjects is to form a *general* notion of that degree, so as to express it in *general terms:* in some cases, however, it may be ascertained with sufficient precision to express it in numbers, and to apply it safely in calculations. In order to determine whether any particular subject will admit of this precision,

* Thomson's Chemistry, vol. i. p. 290.

we should consider whether the events happen according to any general law, and whether that law can be ascertained. Now, in regard to the chances of throwing a certain number with a die, or of drawing a certain card out of a pack, as any one number is as likely to be thrown as any other on the die, and any one card in the pack to be drawn as any other, and, moreover, as the number of sides of the die, and the number of cards in the pack, are known, it is evident both that this general law does exist, and that it may be directly inferred what that law is. But, when the existence and nature of this law cannot be directly inferred from the nature and circumstances of the subject, they cannot be safely presumed without accurate, extensive, and repeated observation. Thus, it could not be safely presumed, that the duration of human life was sufficiently regular to afford ground for the formation of tables expressive of the rate of mortality, until by extensive, accurate, and repeated observation, that regularity had been ascertained. If, for instance, I had observed, that, out of a hundred persons, certain numbers had died at each particular age, I could not safely infer, that the same numbers would die at each age, out of every other hundred. But, if I had observed, that out of a very large number, as several thousands,

certain numbers had died at each particular age, and that, on repeating my observations at different periods, the numbers of deaths at each particular age continued the same, or very nearly the same, I might then safely infer both the existence of the law, and also that the tables, founded on these observations, corresponded with the regular course of mortality in the place where they were made. But in many cases, to attempt to express the probability in numbers, and to apply it in calculations would be to act without sufficient warrant. For instance, if from having observed a sportsman kill 19 birds out of 20 shots, I should conclude, that the probability of his killing the next bird at which he should shoot, would be as 19 to 1, my conclusion would not be safe. I might, even, frequently see him kill the same number of birds out of the same number of shots, and yet not be warranted in concluding, that the probability of his killing his bird was as 19 to 1. Before I could safely draw this conclusion, I must ascertain, that this was the rate of his success throughout the whole course of his present shooting. Or, if, on collating a certain number of ancient manuscripts of a book, (as 10 for instance,) I had observed a certain reading in all of them except one, I should thence conclude, that the probability of my finding

it in the eleventh manuscript of the book would be as 9 to 1; my conclusion would be unfounded. Because, I should be inferring the existence of a law regulating the probability of the event without sufficient ground. If, indeed, all the existing manuscripts of the book had been examined, and it had been discovered that the number of them which contained the reading bore a certain proportion to those which did not contain it, I might then assume that proportion, as the rate of the probability of my meeting with it in any particular manuscript, which I had not already consulted. But it does not follow, even with probability, that because, out of 10 manuscripts, the reading is omitted in only one, it is therefore omitted in exactly the tenth part of the whole number of the existing manuscripts of the book. In cases like this, all that could be justly inferred would be, that it was more probable, or much more probable, than not, that the event would take place, as I had most frequently observed it: or, in other words, the utmost accuracy attainable would be to express the degree of probability in general terms.

Some subjects, from their nature, are more capable of being reduced to the test of experience than others. Of many, we have not sufficient opportunities of observation, to warrant

a general conclusion; or those opportunities happen at too distant periods to enable us to make a fair comparison of the events; or the facts are involved in too intricate, or perhaps, dissimilar circumstances, to afford any deductions. We ourselves, also, are too inattentive to them while passing, and recollect them too imperfectly afterwards, to form a correct judgment of them. But, if there be any particular subjects, on the probability of which it may be peculiarly important to us to decide, we must apply ourselves to them with more than ordinary care. We must avail ourselves of every opportunity of observing them ourselves, or learning the observations upon them of others. We must not trust to memory, but carefully write down the facts, and all the material circumstances with which they were attended. We must do this from time to time, as we make our observations. Thus we shall be continually collecting materials, from which a comparison may be made, and a correct judgment formed. For example, if I were desirous of ascertaining whether men were more influenced by a prejudice in favor of old customs, or by a love of novelty, I would write down, under separate heads, every instance of the influence of either, with which I met, either by observation, or in conversation, or in reading; and, at the same time, set down all the circumstances attending

each particular case, as far as I could collect them. Or, if I wished to ascertain, whether mankind are more disposed to resist a lawful government, than submissively to endure a tyrannical one, I would collect, under separate heads, all the pertinent instances, together with their circumstances, with which I could meet. The greater part of these must necessarily be furnished from history; and therefore, in the course of my historical studies, I should continually keep in mind, that I had such a collection in hand, that I might avail myself of every instance which occurred. Many such questions might be mentioned, on which evidence should be continually collected in the same way. To so laborious a practice, few, perhaps, would be willing to submit. But, it is obvious, that it would enable us to decide questions much more accurately than men usually do. For, a great many of the instances, which are necessary to be considered, in order to a right decision, have passed by them unobserved; many which were observed, are forgotten; and many are not in their recollection, when their determination is made: and thus their decision is founded on a few instances, which, from interest or passion, or some peculiar circumstances, had fixed themselves in their mind. Decisions, upon so partial a view of a question, must generally be erroneous. If

questions occur, on which we have made no collections, or if we cannot bring ourselves to the practice of so laborious a method as that which has been just mentioned, we ought to recollect, as fairly and clearly as possible, all the instances of similar cases, which have come to our knowledge; that our decisions may, as much as possible, be founded upon experience. For, thus our judgment, having something to direct it, will be left less at the mercy of our interests and affections, and, consequently, its decisions will be more likely to be correct.

This method of judging by experience, it should be carefully observed, is applicable only to the determination of the probability or improbability of facts or events, and not to that of the morality of actions. This observation is the more important, because, of late years, there seems to have arisen a notion, that general principles should be discarded as impracticable theories, and that the good or evil of actions should be decided by a consideration of the actual state of mankind, or in other words, by an appeal to experience. It seems, however, forgotten that, by whatever rules we may choose to regulate our actions, the only rule by which they will, hereafter, be judged, is the law of God. He, therefore, who would not be deluded, but would decide justly on the morality of actions, must lay down these divine laws, as

the principles from which all his conclusions must be drawn, and must fairly follow out his reasonings to whatever conclusions they may lead. It is remarkable, that, where experience should be made the foundation of our judgment, we abandon it, and have recourse to reasonings on assumed principles; while, on the other hand, where experience is of no authority, but our conclusions ought to be deduced from general principles, there we make it the ground of our decisions.

Although the reasoning upon conclusions already established by moral evidence, must become more and more uncertain, the farther we proceed; yet, as in some cases, it may be necessary, it will be proper to give some directions relative to that procedure. In doing this, we have only to relate the principles which are laid down by mathematical writers upon the doctrine of chances. They represent certainty by unity; and every probability by a fraction, whose numerator is the number of chances of the events happening, and whose denominator is the number, both of its happening and failing. Thus, if an event have three chances for its happening, and two of its failing, the sum of which being 5, the fraction $\frac{3}{5}$ will be the probability of its happening, and $\frac{2}{5}$ of its failing. Or, to express the same in other words, the denominator of the fraction expresses the whole num-

ber of the events observed, and the numerator the number observed to happen in a particular way.

To render this more easy to persons who have never studied mathematics, or the higher parts of arithmetic; suppose that out of every 100 persons, who had been known to eat of a certain fruit, 75 had been injured by it; then the probability of its being injurious to any person who was going to eat of it, would be expressed by the fraction $\frac{75}{100}$, which, being reduced to its lowest terms, is $\frac{3}{4}$; consequently, the probability of safety in eating of it is $\frac{1}{4}$. This is the method of proceeding in a question, consisting of only one step. But, if a second step be necessary, then the same process must be repeated to ascertain its probability, considered independently; and, after that, both steps are to be combined by multiplying together the fractions so found, for the second conclusion. Thus suppose as before, 75 out of the 100 had been injured by eating of the fruit; and that out of every 10, who had been injured by it, 4 had died; then, to discover what probability of death there was in eating of it, I must multiply $\frac{75}{100}$, or rather $\frac{3}{4}$ into $\frac{4}{10}$, which will give $\frac{12}{40}$, which is equal to $\frac{3}{10}$. Hence the probability of surviving the eating of it, will be expressed by $\frac{7}{10}$. In the same way we proceed for every other conclusion,

always ascertaining the fraction, expressive of the probability of the given step independently, and then multiplying that fraction into the conclusion last established, for the next conclusion.—This example is proposed merely as a specimen of the mode of proceeding in such cases, and not to intimate that all subjects are capable of being thus calculated. Attention must be paid to what has been said above, in order to determine whether the probability will admit of being expressed in numbers. It was necessary to propose an example, in which numerical calculations are used, to describe clearly the mode of proceeding. For, such is the vagueness of language on subjects of this nature, that terms can scarcely be found to describe that mode with sufficient accuracy and perspicuity, to afford any direction capable of being clearly understood.

Sometimes, without entering into a particular examination of a question, a tolerable judgment may be formed of it from a general view of the fairness or unfairness with which it is treated. This general view, however, will not warrant a high degree of assent; both because we may be mistaken in the appearances; and because a point which is really true, may be treated unfairly, through want of skill in those who maintain it, or from the influence of a bad habit: but it may, notwithstanding, afford a

considerable degree of probability. The principles on which this probability depends, are as follows: first, that truth is always consistent with itself; *i. e.* that one truth harmonizes with others; and that, in order to its establishment, it can never be necessary, that any just principle of evidence, knowledge, or morality, should be set aside, or perverted; and consequently, that no unfair practices can be requisite to maintain it. And, secondly, our experience, that when men maintain a cause, which they are conscious is just, they are desirous that it should evidently appear so to be; and, that this desire is so strong, that it always influences their conduct, except when it is prevented by some powerful motive to the contrary; and, on the other hand, that when they are conscious that their cause is unjust, they naturally shrink from fair examination. So constant is this experience, that it has become proverbial that openness is an evidence of innocence; and secrecy, or a desire of concealment, an evidence of guilt. There are, indeed, some affairs of a nature so entirely private, involving only the interests of the agent himself, or his particular connexions, that nobody else has any right to be acquainted with them. In these, every man is at liberty to be as secret as he pleases; and his secrecy affords no evidence of guilt. But, in all other cases, the argument

from experience is well founded. For, experience shews, that an honest man is impatient of suspicion, and in order to free himself from it, will do all in his power to bring the cause which he maintains, into as clear a light as possible.

One part of moral evidence relates to the truth or falsehood of propositions: another respects things, as whether they are good or bad, eligible or ineligible; or, when two things are proposed to our choice, which of them should be preferred. But, as when we speak of them, we make propositions respecting them, this latter part resolves itself into the former. Its importance, however, renders it worthy of a separate discussion; and, indeed, some points in it require particular directions.

To determine whether a thing proposed be good or bad, eligible or ineligible, we must state all its advantages on the one side, and all its disadvantages on the other; and decide according to the preponderancy of the former, or the latter. The necessity of this arises from the mixt nature of things; there being scarcely any thing entirely good, or entirely bad; entirely beneficial, or entirely prejudicial. Hence, if we consider only one side of the thing proposed,

we cannot possibly form a correct judgment, or a judicious choice.

In estimating advantages and disadvantages, we must not confine our views to those which are immediate, but extend them to more remote and general consequences; and take care not to over-rate those which are near, and under-rate those which are distant. For, immediate benefits are often productive of remote and general evils, and immediate disadvantages of remote and general benefits. Our choice, therefore, lies frequently, perhaps generally, between our present interest, which is comparatively small, and of short duration, and our future, but extensive good. Thus, youth cannot be well educated without a degree of study, which is, at the time, extremely painful, and to which, if left to their own choice, they would scarcely ever submit. Wealth can rarely be acquired without application to business, and the sacrifice of ease and pleasure. Health cannot be preserved without restraint of the passions and inclinations. Character cannot be established, without resisting the solicitations of interest. And virtue cannot be attained without opposing temptations, the compliance with which would produce immediate gratification or advantage. Hence, virtue has been well described, as the sacrifice of the present to the future, and vice *as the* sacrifice of the future to the present. It

is, therefore, of great importance both to happiness and virtue, to acquire a habit of considering remote and general consequences, and to allow them due influence on our judgment.

We should, also, be particularly careful that the statement of advantages and disadvantages, be correct. For, in this we are exposed to great danger of delusion; and, that the danger of that delusion is real, and not imaginary, is too evident from experience. We seldom find that things turn out in possession, what we had represented them to ourselves in prospect. The great cause of this disappointment is, that if we happen to like the thing proposed, we give too much liberty to our imaginations to exaggerate its advantages, while we suppress many of its disadvantages, and lessen others. On the other hand, if we dislike the thing, we over-rate its evils, and under-rate its benefits. Thus, our determinations are made by passion, rather than by judgment; they cannot, therefore, be expected to be prudent. So also, when other men would persuade us to the choice of any particular thing, or to engage in any undertaking, they generally over-rate its advantages, and under-rate its disadvantages, or the trouble and expence necessary to ensure success. We should, therefore, suspect the fallacies to which their statements are liable in these particulars, and examine them with the most rigid accuracy.

Thus, people are often induced to engage in building upon a low estimate being given them of the expence, when they would not have engaged in it, had they known the real cost.

What has been said, relates to those advantages and disadvantages which constantly attend the subject proposed, and which, therefore, may be considered as morally certain. With respect to such as are contingent, the rule is, that we should form our expectation of them, by a fair consideration of experience, and not suppose that our case will prove an exception to the general observation of mankind. The degree in which this rule is disregarded, and the mischievous consequences arising from that disregard, shew that it cannot be too strongly impressed upon our minds. We see men continually plunging themselves, and those who are under their direction, into vice and misery; not because they are ignorant of the general experience of mankind on the point in question, but because they presume, that their case will be an exception to the general rule. Thus, men place their sons in lines of life proverbially dissolute, or dishonest, and yet trust that they will resist the temptations which have overcome, by far, the greater number of those who have been exposed to them.* These are sad delusions.

* Experience is disregarded in a similar way when men put a confidence in persons of certain lines of life, the members of which are known to have been almost universally unworthy of confi-

**In all cases, it is most probable, that we, and those under our directions, shall experience what most others, similarly circumstanced, have experienced. This is the only principle on**

dence. In these cases, also, they err, not because they are ignorant of the result of experience, but because they suppose their case to be an exception to the general rule. In defence of this disregard of experience, it is sometimes urged, that *it does not follow*, that because men in that station have been in general unworthy of confidence, the man in whom we confide is so too. But I ask, what is meant by this expression, *it does not follow?* If it mean that it is not a *probable* consequence, the assertion is not true; both because it is probable that men in similar situations, exposed to similar temptations and under similar circumstances, will be affected in the same way; and because in almost every line of life there are certain modes of action established by custom, and custom is by almost all men regarded as a law. But, if the expression mean that it is not a *certain* consequence, I answer, this is nothing to the point. For human conduct is to be regulated, not by demonstrative, but by moral evidence, which does not admit of certainty. A further defence of this disregard of experience is often grounded on the superior principles which, it is alledged, the person in whom we confide possesses beyond other men in similar situations. In deciding, however, on the existence of these superior principles, no allowance is made for the danger of delusion, arising from friendship, interest, or party: a danger which facts shew to be extreme. Other men have known the general rule derived from experience as well as we. They, too, have determined their case to be an exception to it; and in making that determination they have been generally deceived. This shews that it is most probable, that we too shall be deceived in following their example. It is in this way that experience becomes of so little use to men in directing their conduct. I do not say, that there may not be exceptions to general rules. But I say, that we cannot be too careful in examining whether or not our case be really an exception; and that we ought to have strong, positive, direct evidence that it is so; otherwise, we are not justifiable in disregarding general rules. It is, however, observable, that when men are not influenced by interest, friendship or party, they are rarely deluded by these pretended exceptions. Thus, few people disregard the general character of horse dealers in their transactions with them. They generally make use of all the skill which they possess, in examining the horse which they are going to purchase; and yet, after all, they are frequently deceived. But, this is not because of the confidence which they repose in them, but because the skill of the dealer in concealing the defects, exceeds their skill in detecting them.

The importance of this note will, it is hoped, excuse its length.

which we can judge with safety, and, when we disregard it, we delude ourselves, and do not make a fair use of our talents.

To determine whether it be prudent to engage in the pursuit of any proposed object, we should first consider, whether success in its pursuit be uncertain, or subject to no reasonable doubt. If that success be a moral certainty, then our decision must be made by a comparison of the importance of the object, with the trouble and expence of the pursuit. But, if it be uncertain, then the consideration of the probability of success must be combined with that of the importance of the object, and these two together must be compared with the trouble and expence of pursuit. In general, too, another consideration is necessary. Since one object can seldom be pursued without relinquishing another, a judgment of the value of the object to be relinquished must be formed in the same way, and the comparison of the two must direct our determination. In like manner, the value of two or more objects proposed to us, out of which one is to be chosen, may be ascertained and compared, that we may decide which is to be preferred. For instance, should a man be in doubt whether he should bring up his son to the bar or to agriculture, he should consider, on one side, the rank and fortune which successful counsellors usually obtain;

and combine this consideration with the probability of success. As this probability is very small, it reduces very much the value of the expectation to be reasonably entertained. From this value he should make a suitable deduction for the expensive education for the bar. On the other side, he should consider the fortune usually acquired in farming, and should combine this fortune with the probability of success; and then make a suitable allowance for the very little expence incurred in the education of a farmer. The superior rank of the one may be considered as an equivalent for the more agreeable occupation of the other, and therefore, both may be neglected. The result of the consideration would, perhaps, be, that the superior fortune and dignity of the one, was more than compensated by the superior probability of success, and the small expence in the other.

In subjects which both admit and require greater accuracy, the following method may be pursued. To determine the value of a proposal: If the attainment of the object admit of no reasonable doubt, then from the value of the object in itself considered, we are to deduct the expence and trouble of pursuit, and the remainder is the value of the proposal. Thus, if the proposed object be worth £1,000, and the expence incurred in the pursuit, together with a reasonable compensation for trouble and loss

of time be £150 the value of the proposal is then £850. But, if the attainment of the object be uncertain, then the probability of success must be ascertained, by a consideration of how many, out of as large a number of persons as possible, engaged in the same pursuit, and similarly circumstanced with ourselves, have succeeded. The probability thus found, must be expressed by a fraction, as before directed. That fraction must be multiplied into the value of the object. From this product the compensation for expence, trouble, and time, must be deducted. The remainder is the value of the proposal. Thus, suppose, as before, the value of the object to be £1,000, and that three out of every four persons engaged in the pursuit, under similar circumstances with ourselves, have succeeded: then multiplying 1000 by $\frac{3}{4}$, it produces £750; from which deduct, as before, £150. and the remainder £600 is the value of the proposal. In like manner may be ascertained, the value of an object to be relinquished; or the values of several objects proposed to us, out of which we are to choose one.

It is obvious, that all subjects do not require equal care in regulating our choice; but, that our care should be proportioned to the importance of the subject. And, if our determination will admit of no correction; but we must abide by our choice, whether wise or foolish,

we can scarcely be too attentive to the examination of the grounds on which it is made, according to the old adage, "deliberandum est diu quod semel statuendum est."

To regulate our judgment in the advice which we give to others, we must consider what is likely to suit their constitutions, abilities, finances, habits, feelings, taste, and other circumstances; for, as people differ much in these respects, the same advice cannot be suitable to all. The chief difficulty arises from the ideas of good and evil, which our own dispositions, habits, and circumstances, have impressed on our minds, and which are so strongly associated with their respective objects, that they can scarcely be separated. Hence, we can scarcely avoid making ourselves a standard for others; and thus overlooking the difference of their circumstances, which should make a correspondent difference in the advice which we should give them. But, when the subject of advice has any relation to morality, no circumstances, but those which make a part of the definition of the duty, and thus constitute an essential part of the moral nature of the subject, should make any alteration in our advice. For such immaterial circumstances as feelings, habits, &c. make no difference as to moral duty.

## CHAP. IV.

### *Special Directions relating to each Kind of Moral Evidence.*

PERSONAL Observation, and the observation of others, coincide in so many particulars, that repetition will be avoided by treating of them together.

1. Consider whether you are properly qualified to ascertain, by observation, the properties of the subject proposed.

This rule is of especial importance in all such subjects as require previous information or great skill, or a nice discernment in making the experiments. Thus, should any one, unacquainted with the elements of chemistry, the accuracy requisite in chemical experiments, or the various ways in which fallacies may arise in them, engage in a course of experiments, he could not safely trust to their result. Incapacity for making observations correctly, may arise from other sources, besides the want of talents, or of previous information. Religious or political prejudices may also disqualify a man for a fair deduction of general conclusions from an observation of mankind. And, in general, prejudice and interest, render our observations suspicious.

This rule applies equally to the observation

of others. It teaches us not to trust to their observations, unless we may presume them to have been fair and capable observers.

2. Be careful to ascertain the circumstances under which your observations were made. For, as has been already said, the events of things depend on circumstances, and often on circumstances which might be thought incapable of influencing them. Their events, therefore, under one set of circumstances, can afford no rule for judging of them under another. Thus, in the case of the King of Siam, mentioned above, it was not considered that his observations on water were made on degrees of heat, very different from those under which the Ambassador asserted that it would be converted into ice; nor was it considered, that though, in certain latitudes, the cold might never exceed a certain degree, it could not thence be inferred, that it might not exceed it in other latitudes.

As it was remarked before, a distinction must be made between such circumstances, as can affect the event, and such as cannot; and experience alone can teach us how to make this distinction. This rule, also, is equally applicable to the observations of others.

3. Take care that your conclusions be not drawn from the observation of too small a number of subjects; or rather, that the degree of your assent to them be proportioned to the ex-

tent of the materials from which they are drawn. For, though a very few observations may warrant a conjecture, we cannot safely consider a general truth as established, without the observation of many subjects of the same kind. In this respect, however, a difference must be made in the different kinds of subjects, according as they are of a more uniform or a more various nature. For, fewer observations will warrant a general conclusion, on such subjects as minerals, earths or vegetables, than on the effects of things on mankind. We are in too much haste to draw general conclusions, and are unwilling to wait, till we are possessed of materials, from which they may be safely drawn.

In the application of this rule to the observations of others, there is some difficulty. For we are often incapable of knowing the extent of the subjects on which their observations were made; and men are apt to speak of them as more extensive than they were. We can overcome this difficulty only by considering their general habits of accuracy in observation, and correctness in statement. Our knowledge of these habits must be attained, either by an acquaintance with the character of the particular individual, with whose observations we are furnished; or, by a consideration of the general character of the profession to which he belongs. For, as was remarked before, the observations

of the members of some professions, are more worthy of credit than those of others.

4. In subjects which are observed to be various, we can know what event is probable, in any particular case, only by considering how it has most frequently happened. And we can ascertain the degree of that probability only, by collecting the number of cases, in which it has been observed to happen in each way; and, taking those numbers as the ratio, which the probability of its happening in one way, bears to its happening in the other. But, this point has been sufficiently discussed before.

5. It is, also, to be remembered, that the utmost that can be accomplished in such subjects, is to ascertain, not what actually will happen in each particular case, but only what is most likely to happen; or what may be expected, in a certain proportion, out of a given number of cases. Hence, he who assures a single life on the most correct principles of assurance, may be a loser; while, had he assured a thousand lives on the same principles, he might have been a gainer. So also the effects of any proposed regulations or measures upon numerous bodies of men, admit of being ascertained with greater probability, than upon a few individuals. For the principles upon which the judgment is formed, have been deduced from a general observation of man-

kind; and therefore, if they have been deduced correctly, they must be found to be just when applied to numerous bodies of men. Whereas, however correct these principles may be, as general truths, they may fail when applied to a few individuals, who may differ in disposition from the generality of mankind, or be actuated by caprice, or influenced by some unforeseen, accidental circumstances. Thus the effects of political regulations may often be more exactly known, than of those in private life.*

A few further cautions may be given, to regulate the credit which should be given to the observations of others.

1. If they state the facts, from which they deduced their observations, we should consider whether they had sufficient ground for their conclusions; or, if they relate the processes of their experiments, we should examine how far they were likely to afford an accurate result.

2. We should consider how far the observations of others concur with our own. If they coincide, our deductions are evidently confirmed; but, if they differ, we should re-examine the ground on which we made our observations, and our ability to make them fairly; and carefully inquire, whether we or they were more likely to be mistaken.

* See Stewart's Philosophy of the Mind, chap. iv. sec. 8.

It is a rule of evidence, that credit should be given to every man in his own profession. And, on the whole, this is a safe rule. For though erroneous opinions may be entertained by persons in most lines of life, and may be persisted in through prejudice, yet a certain degree of success does attend their judging and acting on the opinions which they hold; whereas, were the plans of inexperienced persons, or those of speculative projectors followed, very few of them would be found to succeed at all. Thus, were farmers, instead of being disposed to follow the practice of their forefathers, ready to adopt every new plan proposed to them as an improvement, they would involve themselves in losses, and the public might be injured by a scarcity of grain. There is, however, a mean. A man should be so far ready to adopt plans of improvement, as to be willing to try them on a small scale; but he should, in the general management of his business, pursue, steadily, his old plans, till experience has sanctioned the new ones. If skilful men in any line have relinquished an old practice, it may be reasonably presumed, that they have done so on the authority of experience.

3. We should consider how far they, who furnished us with their observations, were likely to relate them faithfully. Here, the nature of the subject must direct us; for, if it be con-

nected with any party-prejudices, political, religious, or literary; or be likely to promote any private interest, or gratify the vanity of the observer; his fidelity in the relation is less deserving of credit, than it would otherwise be.

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To regulate the credit to be given to Testimony.*

It should be recollected, that Testimony relates to specific facts or events, and not to general conclusions, deduced from the observation of a variety of facts of the same kind; and, that it is the evidence of a person, who declares that he himself saw or heard what he relates, and not that he was informed of it by others. To determine whether his evidence be worthy of credit at all, or how far it is so, the following particulars must be attended to:

1. It should be considered, how far the thing in itself, and under its proposed circumstances, is credible or incredible. For, if it be absolutely impossible, no previous opinion of the competency and veracity of the witness, can procure belief. If what is related be possible, but extremely improbable, the testimonies of a greater number of persons of unimpeachable character, together with the evidence

* Several of the leading ideas on this subject, are taken from Dr. Watts's Logic, part ii. chap. v. sec. 5.

of concurrent circumstances, are requisite to render it credible. But, if it be not improbable, the testimony of an ordinary and unsuspected witness, is sufficient to make it worthy of credit.

These are the general principles on which the credibility or incredibility of the things attested should regulate our belief in testimony. But, as this subject is of great importance, it must be treated with greater particularity.

It should be observed, that the presumptions arising from experience, cannot be compared on equal terms with the probabilities arising from testimony, because they are not homogeneal,* and no rule can be formed, similar to that of reduction in arithmetic, to bring them to the same denomination. In that class of subjects which has above been denominated *various*, the strongest presumptions may be overcome by the testimony of witnesses of ordinary credibility. For, as it is observed by Bishop Butler, (Analogy, part ii. chap. ii. sec. 3.) "There is a very strong presumption "against common speculative truths, and "against the most ordinary facts, before the "proof of them; which yet is overcome by al-"most any proof. There is a presumption of "millions to one against the story of Cæsar, or "of any other man. For suppose a number

* See Dr. Campbell's Dissertations on Miracles, page 28.

" of common facts, so and so circumstanced,
" of which one had no kind of proof, should
" happen to come into one's thoughts, every
" one would, without any possible doubt, con-
" clude them to be false. And the like may
" be said of a single common fact."

The general conclusions, deduced, however, from the observation of subjects which are *uniform*, cannot as easily be overcome by testimony. Thus, no man would believe that a cannon-ball, thrown from a ship into the sea, floated, upon such testimony as was only sufficient to give credibility to the events of the life of a Cromwell or a Buonaparte, however surprising those events may be. Yet, even these general conclusions may be surmounted by testimony, provided the witnesses be numerous, their characters unimpeachable, the facts level to their judgment, and the circumstances under which they give their evidence, calculated to confirm it. For, facts which contradict these general conclusions, ought not to be regarded as impossible. Strictly speaking, that only is impossible which involves in it an absurdity. It is only in a lower and incorrect sense, that those things are called impossibilities, which are contradictory to uniform and general experience. Thus, that a man should be able to foretel, clearly and distinctly, remote events, to walk upon the sea, to heal diseases

by a command, to raise the dead, though they be contrary to the ordinary course of nature; yet, as they involve in them no absurdity, they are not in themselves, and in the strict sense of the word, impossibilities. For the course of nature might, in these and in other respects, have been different from what it is, had it pleased the Creator that it should be so; or, as has been already observed, it may have been suspended or altered, on particular occasions, and for important purposes. Facts of this nature, therefore, ought not to be regarded as incapable of being rendered credible by testimony; though they certainly require extraordinary testimony, together with the evidence of concurrent circumstances, to procure belief.

Besides these, there are facts of another kind, on which we are in danger of exercising an unreasonable incredulity. They are such as are more properly *beyond* our experience, than *contradictory* to it; * being such as neither we, nor any other persons, as far as we can learn, have ever observed. Thus, if soon after the disco-

* When we distinguish facts as *beyond*, or *contradictory* to experience, we must mean by the term experience, the general conclusions deduced from observation. For, if we mean by it the experience of a specific fact, nothing can be contradictory to it, but what is asserted to have happened, and which we experienced not to have happened. But, understanding the word in the sense above-mentioned, that wax should not melt in fire, or lead sink in water, is *contradictory* to our experience; but that water should become solid, was properly *beyond* the experience of the King of Siam, and not *contradictory* to it; because he had never seen it under those circumstances in which its freezing takes place.

very of electricity, a person had travelled to a part of the world, unacquainted with that discovery, and had related the extraordinary electrical phœnomena which he had seen, his veracity would probably have been disputed; until he had either shewn some electrical experiments, or produced the testimony of several other respectable witnesses in confirmation of his assertions. However extensive our knowledge of nature may be, we cannot safely presume, that we are yet acquainted with the whole of it. As discoveries have already been made, which were altogether unlooked for by our predecessors, so farther discoveries may still be made, of which we can at present form no conception. The discovery of Galvanism is very recent. And, as it is obvious into what errors we should have run, had we on first hearing of its phœnomena pronounced them false, we should learn to be cautious in deciding, that other extraordinary facts, which are related by competent witnesses, are undeserving of credit. The fall of heavy bodies, of the appearance of stones, from the higher regions of the atmosphere, accompanied by a luminous meteor, a hissing sound, like that of large shot, and a loud explosion has been generally discredited. But, he who reads the evidence of these facts, which has lately been collected, will scarcely withhold his assent to their truth, however dissatis-

fied he may be with the method of accounting for them.* An acquaintance with philosophy will sometimes not only render credible certain phœnomena, the existence of which we might have disbelieved, but also enable us to account for them on natural principles, when, by superstitious people, they are regarded as miracles or portentous signs. Thus the various appearances of terrestial bodies in the atmosphere, as of buildings, cattle, or even armies, which by some have been regarded as prodigies, announcing the approach of awful events, and would, by most, be thought the mere illusions of the imagination, or pronounced falsehoods, have been accounted for by philosophers, by the known laws of refraction.† Many extraordinary facts are mentioned by Bishop Douglas, in his Criterion of Miracles, of the influence of the mind in the occasion and cure of diseases. These facts are of such a nature, that while some would be disposed to regard them as miraculous, most men would, probably, determine them to be incredible; yet they are supported by testimony, in itself unexceptionable, and confirmed by various other similar cases; and therefore, as the Bishop observes, are worthy of credit.

On the other hand, it would be equally unsafe to admit the truth of extraordinary facts on

* See Edinburgh Review, vol. iii. page 386.

† See Christian Observer, vol. iii. page 669.

slight and suspicious evidence. In these cases, as in most, the mean is safer than either extreme. We shall be most likely to avoid error by requiring that the number and credit of the witnesses, together with the evidence of concurrent circumstances, should be, in some degree, proportioned to the improbability arising from the extraordinary nature of the facts attested. How we are to judge of the credit of witnesses, and of the circumstances which tend to confirm their evidence, will be inquired presently.

2. The consistency of the parts of a relation with each other, and with known circumstances, is another point to be attended to. If the relation be long, it is very difficult, if not impracticable to fabricate it so completely in all its parts as to preserve consistency. Hence consistency confirms the relation; and if the subject be examined in this view, the deception, if any exist, will generally be detected.

3. The light which is thrown upon the subject by subsequent circumstances, should also be regarded. For, when these circumstances are such, as from experience they might be expected to be, on a supposition that the fact asserted were true, they confirm the assertion; otherwise they lessen its credibility. The influence of these circumstances, both in support of the evidence of testimony, and in opposition to it, is various, according as such circum-

stances do more or less constantly follow such a fact, as is asserted. Thus, were it asserted, that a certain man had taken arsenic, his death, together with such appearances of his body, as are usual in cases of this nature, would be a strong confirmation of the assertion; but his continuing to live, and to enjoy health, would be a contradiction of it. Or, were it asserted, that an apprentice had robbed his master, his appearing on a sudden possessed of considerably more money than usual, would render the assertion probable.

4. The competency of the witness to judge of the fact which he relates, is another point to be considered. That competency depends partly on his abilities, and partly on the opportunities which he may be presumed to have had of seeing, or hearing what he states. Our determination of both these must be regulated by the nature of the subject, and the character and situation of the witness.

5. If the fact be stated to have happened, a considerable time ago, it should be examined, whether it is probable that the witness should recollect it clearly; or whether he has used any means to assist his memory, as writing it down, or frequently mentioning it, or connecting it with other circumstances more easily remembered. This consideration is more especially deserving of attention, when the subject of the

evidence is such, as is likely to escape the recollection; for instance, words spoken, especially a long discourse, could scarcely be remembered correctly.

6. We should inquire, whether the witness be a man of general veracity. Though all men profess to regard truth, yet they respect it in very different degrees. Some men could scarcely be prevailed upon to violate it on any consideration; while others are induced to sacrifice it to interest, to party, to a false delicacy, to vanity, or even to a compliment. Others again, though they would scruple to affirm what they knew to be wholly false, yet delight in telling extraordinary stories, and indulge themselves in exaggerating and embellishing the real facts which they relate. When they engage in relating an anecdote, and have forgotten any of its circumstances, unwilling to injure their narrative by omissions, they supply the defects of their memory by invention. Thus, though they, perhaps, entertain no direct deliberate design to deceive, yet the impression which they make on the minds of their hearers, is inconsistent with a correct view of the fact. It is evident, that the credit which can safely be given to any man's testimony, must be regulated by the regard which he may be presumed to have for truth; and the degree

of that regard can be known only by an acquaintance with his general character.

7. It should also be considered, whether there be reason to presume that the witness spoke his real judgment of the fact in question. For, there are subjects and occasions, on which even men of general veracity, assume the liberty of deviating from truth, and that liberty is, though tacitly, yet so generally allowed by the world, that scarcely any loss of character is sustained thereby. The world is a great theatre, men are players, each acting a part. On this stage they speak rather according to their assumed character, than according to their real judgment. And though this licence is used more frequently, as to opinions, than as to the statement of facts, yet it is not strictly confined to opinions. And should we charge any man with a disregard to truth on this account, we should probably be despised for illiberality, or ignorance of the world. For the same man, when he had laid aside the mask, and retired within the circle of his private connexions, would shew that, under his real character, he felt the obligations of veracity; and would give a very different view of the fact from what he had given on the stage. Whether men be at liberty, on any occasion, thus to suspend, by common consent, the operation of the laws of

truth, is a question of morality, and not of moral evidence; and therefore, falls not within the province of this tract. But, as the liberty is assumed, it is necessary to guard against the errors which would arise from ignorance of the practice. For, it is evident, that unless we distinguish between the occasions, on which men regard themselves as bound to speak the truth, and those on which they do not, we must be continually exposed to error in believing their testimony. This distinction can be made only by attentive observation, or acquaintance with the world.

8. Whether the witness be a man of integrity, or of an unprincipled character, should also be considered. For, if the general tenor of a man's conduct shew, that he has no regard to the obligations of morality, it may be presumed, that he will not hesitate, on suitable occasions, to violate the truth.

9. It should be inquired, whether the interest of the witness is likely to be affected by the decision of the point in question. For, experience shews, that, under the bias of interest, men scarcely ever judge correctly, or give a fair and impartial evidence. They are then induced to suppress some circumstances, to soften others, and to give to the whole matter such a turn, as is most favourable to themselves. This, *therefore*, is the principal circumstance which

renders testimony suspicious. Hence, it is a wise rule in our law, to reject the evidence of all those who are interested in the decision of a cause.

10. As the testimony of an interested person, in his own favour, is suspicious, that testimony, which makes against his interest, is worthy of great credit; for, there then appears no other reason for his giving such evidence, than the force of truth. Here, however, it should be carefully ascertained, that his evidence is really opposite to his interests; and, in some cases, this is attended with difficulty. For that, which is opposite to a man's general interest, may tend to promote some particular purpose, which he has at that time in view. Nor, should the rule be extended without caution to what opposes the interests of the witness's party. For, in parties, secret enmities and separate interests arise, which make an individual sometimes willing, for private purposes, to cast a reproach upon his partizans. Hence, what is regarded as the concession of an opponent, and therefore indubitable, may, sometimes, be fabricated, for the purpose of promoting that interest of the witness, which, at that particular time, influences his mind. Most frequently, however, the influence of party prejudice operates in the same way with that of private interest. And, hence arises the diffi-

culty of obtaining a fair representation of facts, in times of great political animosity.

11. The manner in which the evidence is given, may afford some assistance in judging of the veracity of the witness. There is a simplicity and firmness, equally remote from hesitation, and an assumed confidence, with which men generally speak the truth. This, though difficult to be described, may be learnt by observation.

12. The occasion on which a testimony is given, may, sometimes, render it suspicious. Thus, should a man inform me, unasked, and without any assignable reason, that a person just dead, and from whom I had no expectation, had *not* left me any thing in his will, I should be apt to suspect his assertion. But, if there were any apparent reason why he should give me this information, provided it were true, no such suspicion would be excited by it.

13. The testimony of a dying man has been considered as entitled to peculiar credit; for, as he knows he is about to leave the world, and all its concerns, and to appear immediately in the presence of his Judge, it is presumed that he would not willingly contract the guilt of a deliberate falsehood; a falsehood in which he can have but very little interest. Yet, it is not unusual for persons, who are executed, to *die asserting* their innocence, though there be

strong reasons to conclude them guilty, and nothing occurs afterwards to make that guilt suspected. To determine the degree of credit due to such evidence, the general state of the man's mind should be considered. If his conduct shew that his mind is duly impressed with the awfulness of the eternal judgment, his testimony is entitled to great credit; but, if it manifest no such impression, his evidence should be regarded as of little weight. The persons above-mentioned, who testify their innocence at their execution, are most frequently void of moral principle, and no suitable change appears to take place in their minds even to the last. Their apprehensions of the judgment to come, are so slight as to be capable of being surmounted by any temporal interests, however small; as a regard to their character after death, or the interest of their families or friends, or even the casting a suspicion on the prosecutor, the witnesses, or the judge. The testimony of such persons is evidently very suspicious. If, however, the subject of their testimony be such as can no way affect their own character, or promote any interest for which they can be supposed to have any concern, or gratify any passion, however momentary, their evidence is then worthy of credit. The general nature of the subjects, also, should be considered. For, there are subjects, which men have brought

themselves to regard as of such vast importance as to justify the use of almost any means necessary to their success; and it cannot be presumed that such prejudices wholly lose their influence, even in the moments of death. Hence the testimony of a dying man cannot be as safely trusted on such subjects, as on others, where no such prejudices prevail. It should, also, be observed, that where the evidence of a dying man to a specific fact, would be fully entitled to credit, his evidence as to the general rectitude of a certain cause, may deserve no regard. All that it can possibly prove, is, that he sincerely believes the cause to be just. But, as we have no reason to suppose, that the minds of men become enlightened in *articulo mortis*, we cannot safely trust the judgment of a dying man, any more than of one in sound health.

14. It should be considered, whether the evidence for the fact rests on the testimony of only one witness, or of more. For, as has been already observed, the concurrence of independent witnesses, increases the weight of their evidence, and that in a much greater degree than in the proportion of their numbers. Here, also, the nature of the subject should be attended to. For, if it be such, as would probably be mentioned by several persons, on a *supposition* that it were true, then its being as-

serted by only one, detracts from its credibility. But, on the other hand, if the fact be of so very private a nature, that if it had happened, it would, probably, have been known only by one person; then, though the evidence of a single witness be of less weight than that of more, his testimony is not rendered suspicious by his being alone. For, as strong evidence as the nature of the case admits, is here produced. The degree of our assent, however, should be carefully proportioned to the weight of the evidence. In judging whether the nature of the case admit of the testimony of only one witness, we should consider, whether the representation of it bear the marks of simplicity, or those of art and contrivance, so to construct it, as to exclude the evidence of all other persons, and to make it rest on the testimony of the witness alone. For such marks of art and contrivance, would evidently render it suspicious.

15. Is the subject of such a nature, and so circumstanced as to admit of an easy confutation, if it be false? Scarcely any consideration is of greater importance than this; for, otherwise, the law of reputation, the great principle of human conduct, opposes no barrier against falsehood; but the witness is at liberty to make what misrepresentations he pleases, and thereby to gratify any secret passion, or to promote any private interest, without danger of disgrace.

For the same reason it should be consid whether the situation of the witness be suc to secure him from shame, if his falseho detected, for this would weaken the credit of his testimony.

16. A vague account of a fact, is nc worthy of credit, as a relation which con all the particulars of time, place, persons, the like. Because, as all these particula ford means of detection, if the relation be f it may be presumed that the relater is sati that his account will bear examination. the same reason, quotations are entitled to dit, in proportion as the means of exami them are afforded by a statement, not on the book, but of the volume, and the p whence they are taken, and, even of the lib where the book, if scarce, may be found.

17. If, while the witness speaks positi as to some particulars, he acknowledges l self to be ignorant of others, or to be only perfectly acquainted with them; this ackı ledgment tends to confirm his evidence, a those which he positively affirms. Becaus carries with it the appearance of caution, to exceed his knowledge, and shews that l not prepared to affirm any thing that ma asked him, to make out the story.

18. Of the statement of ancient facts should be inquired, what reception they

with when they were first made. If they were generally believed, by those who might have confuted them, had they been false, and if they were disputed by none, they may, for the most part, be considered, as well established. If they were disputed at first, but, on examination, were admitted, they are confirmed by their trial. But, if they continued to be discredited, they are to be suspected; and, unless the unbelievers may fairly be presumed to have been influenced by ignorance, interest, prejudice, or passion, they should be rejected. A comparison, therefore, should be made between the believers and unbelievers, in respect to ability and impartiality, and its result should determine our judgment. These are the general principles upon which our assent to ancient facts, may be regulated. But, to estimate more correctly, the influence which the reception of any account by those to whom it was originally presented, ought to have on our belief, we should further inquire, whether that reception proceeded on due examination, and on just principles; or may be fairly attributed to ignorance, credulity, negligence, or prejudice. Thus, where the parties, who originally received the account, gave it only a careless assent, or from mere indolence or indifference, took no pains to correct it; their assent ought not to influence our judgment, as it should, where it may be

which possessed, almost exclusively, the opportunity of transmitting the records of events to posterity, or discreditable to their opponents, ought not to induce us, implicitly, to decide upon their truth; but, in forming our judgments of them, we should make due allowance for the effects of prejudice. Thus, for example, it may be reasonably presumed, that in relating the transactions between the Romans and Carthaginians, the Roman historian would be influenced by attachment to his own country, and hatred of its enemies; and, that the same prejudice would induce his countrymen in general, to admit his accounts, though partial, since they were in their own favour. Of course, that admission is not of sufficient authority to warrant our implicit credit. Had the works of any Carthaginian historian reached us, we might have seen some of the same facts stated less to the honour of Rome, and more to that of Carthage; and yet, have found reason to presume, that his accounts also were fully admitted by the Carthaginians. On the other hand, when the facts related are dishonourable to the nation, or party, who yet received the accounts of them, that reception confirms their truth. Thus, as the History of the Bible, though it records the peculiar privileges conferred on the Jews by the Almighty, relates also the base and ungrateful returns which they

continually made for them, their universal reception of it renders its truth indubitable.

It should also be considered, whether the accounts of these ancient facts,* were published near the time and place, when and where they are stated to have happened. For, if they were not published *till long after*, they are suspicious; because it does not appear that they were ever heard of before; because it generally seems improbable, if not impracticable, for the person who asserts them to have obtained any just grounds for his assertion; and, because they want that confirmation which should be derived from their reception, by persons who might have confuted them, had they been false. Thus, the miracles ascribed to Mahomet, by those who wrote several centuries after his death, which miracles were never heard of before, are unworthy of credit. But, those secret facts of history, which have been published from papers in the cabincts of princes, or in the possession of private families are credible, though they did not become publicly known, till a considerable time after the event. For, as from their nature, they were incapable of being publicly known, except from these secret papers; and, it is highly improbable, that access should be had to those papers, till a considerable time had elapsed, the facts have the best evidence,

* Paley's Evidence of Christianity, vol. ii. pages 6 and 9.

of which the nature of the case admits. Besides, their credibility depends, not merely on the historian, but on the authenticity of the papers themselves, the opportunities which the original writers of them possessed of being acquainted with the facts which they relate, and the degree of probability of their being disposed to relate them fairly.

If the accounts were published at a distance from the *place* where the facts were stated to have happened, especially if that be a place seldom visited by foreigners, they are suspicious; because the restraints of the law of reputation can then be felt but little by their relater; and, their public reception cannot have been regulated by due examination, but must have arisen from the confidence reposed in the assertor; which confidence may often be accounted for from the influence of prejudice, interest, or party. Thus, the miracles formerly published in Europe, as having been performed by Popish missionaries in India, are unworthy of credit.

19. The entire omission of a thing, pretended to have been public, by all other authors who might naturally have been expected to mention it, renders it suspicious. And it is the more suspicious, in proportion as the authors, by whom it was omitted, may be presumed to have been engaged by interest, by

principle, or by the nature of their work to record it, if they had been acquainted with it. But, if a satisfactory reason can be assigned why these authors should omit the mention of the fact, it then ceases to be suspicious on that account.

20. Hitherto we have supposed, that we have testimony on only one side of a question; but, it often happens, that witnesses are produced on both sides. In this case, we should examine whether their assertions cannot be so interpreted, as to agree with each other. If they can, such interpretation should be adopted; because, it is to be presumed, until the contrary appear, that the witnesses on both sides speak truth. But, if their assertions cannot be reconciled, it is then to be observed, that one affirmative witness may countervail many negatives; provided the fact which he affirms be of such a nature, that it might probably have taken place, and yet not have been noticed by those who deny it. An affirmative witness is one who asserts, that a certain fact did take place; a negative is one who asserts that it did not. But, as many propositions are capable of being expressed in both a positive and a negative form, this definition is too vague. When the assertion will admit of either form of expression, and the subject of it is of such a nature, that with that degree of at-

tention which the witness may be reasonably presumed to have paid, he was fully capable of judging whether the fact did take place or not, his assertion should be regarded as in the positive form, and he should be considered as an affirmative witness. But if the fact asserted be such, that it might have happened, and he probably not have observed it, his assertion should be put in the negative form, and he should be regarded as a negative witness. For instance, should one person affirm that it rained at the Horse Guards, during the whole of the morning of Christmas Day last, and another deny that it rained there the whole of that morning, the assertion of the former would, according to this form of expression, be positive, and that of the latter negative. Yet the assertion of each would admit of being expressed in the opposite form. For to affirm, that it rained the whole of the morning, is equivalent to asserting that it was not fair at any part of it; and to deny, that it rained the whole of the morning, is equivalent to asserting, that it was fair at some part of it. Now, as its being fair at some part of the morning is a subject fully capable of observation, the assertion of that witness, who affirms what is equivalent to it, should be considered in its affirmative form, and he should be regarded as an affirmative witness. But he who asserts that it rained the whole

morning, ought to be considered as asserting, that it was not fair at any part of it, and should therefore be regarded as a negative witness; because it is not improbable, that his attention might be so occupied by some other subject at some part of the morning, that, though it were then fair, it escaped his notice. If, however, the fact be of such a nature, that it is very improbable it should have happened without being observed, and the witnesses oppose each other in contradictory propositions, so that those on one side must be true, and those on the other false, we must then judge according to the *number* of the witnesses on each side, their *credit*, and the *comparative probability* of their respective testimonies. If the two latter circumstances be equal, the superior number are deserving of belief. If the first and last be equal, the side on which the witnesses are of the greater credit, is entitled to the preference. To judge of their credit, we must apply the principles already laid down. But, if the two former circumstances be equal, that testimony, which is more probable in itself, is to be believed.

21. It has been said, that it is impossible to prove a negative. But, this assertion requires some limitation: for those negatives, which are capable of being expressed in an affirmative form, may be proved. That a ball

fired at a target, did not hit it, is a negative proposition; but it may be expressed positively. The ball missed the target. Now this fact is fully capable of observation, and therefore the testimony respecting it, if admissible on other accounts, is worthy of credit. Other negative propositions, also, which are incapable of being converted into a positive form, will admit of proof. Should it be asserted, that a pistol had been fired in a church, in the time of divine service, nobody would reject the testimony of several respectable persons of the congregation, that such an event did not take place. For, as it would be in the highest degree improbable, that the pistol should have been fired there, without their knowing it, they would be fully competent to prove the negative. And, in general, whenever the fact asserted is such, that it is very improbable it could have taken place, without being observed, the negative may be proved. In many cases, however, a negative can scarcely admit of proof. Thus, if a man were charged with having picked the pocket of a person who had sat near him the whole evening, he could scarcely produce any evidence to disprove the charge satisfactorily. For it is exceedingly improbable, that any person in the company should have kept his eyes so steadily fixed upon him during the whole evening, as to be able to say with perfect cer-

tainty, that at no part of it he had picked the pocket. But, as the nature of the case can scarcely admit of such evidence, the want of it ought to be no injury to the person accused. Sometimes, though a negative proposition cannot be *directly* proved, an affirmative proposition may be proved, which necessarily inferring the negative, proves it indirectly. For instance, if a man were charged with having committed a robbery in St. Paul's Church-Yard, at ten o'clock last Saturday night, and could bring satisfactory proof, that he was at that time supping with a large party at the rooms of a friend at Cambridge, he would completely refute the charge. This is called proving an alibi. But as the being able to produce such proof is a circumstance merely accidental; the want of such proof should excite no suspicion. For the man might have been in London, and walking in the streets alone at the time, and therefore, though innocent, be incapable of disproving the charge. Hence the law, with perfect justice, does not require any man to produce such proof, though it be ready to accept it, when offered.

22. In some cases, the witnesses may agree as to certain circumstances, and disagree as to others. Here, the nature of these circumstances should be considered. If they be such as were not likely to excite the attention of the witnesses, and fix themselves in their memory,

their disagreement does not weaken their evidence as to the principal facts, in which they agree; but, on the contrary, rather confirms it. For, experience shews, that men very rarely agree in all the immaterial circumstances in relating the same fact. And, hence, a perfect coincidence, in every point, carries with it the appearance of a preconcerted plan of deception. But, if the circumstances were such, that they may be presumed to have made a strong impression on their minds, and to be recollected, then their disagreement renders their evidence suspicious. In making this distinction, we must be governed by experience; for, it is that which teaches us what circumstances do usually excite the attention, and fix themselves in the memory, and what do not. The suspicion thus excited, may rise so high, as to justify the rejection of the testimony of both the witnesses, especially if, on other accounts, it appears suspicious. But, it would scarcely be safe, on all such occasions, to disbelieve both. For, one of them may be a man of strict veracity, and state the fact correctly; while the other is a trifler with truth, and gives, in part, a false testimony. Besides, were such a rule established, it would render it easy for dishonest men to discredit any evidence which they might wish to be disbelieved. It would, therefore, be proper to consider whether one of these

witnesses be, in all other respects, unobjectionable; and, in that case, to believe him, and reject the other.

In subjects of *Remote Testimony*, the same observations are applicable to every witness through whom the testimony passes, till it reaches us.

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On the credit due to the evidence of General Notoriety.

The great consideration here, is, how far the subject is likely to be known; and what probability there is, that the assertions respecting it, should be contradicted, if they were false.

Mathematical subjects admit of being certainly known, and mistakes in them may be easily detected. In them, therefore, those conclusions, which are universally believed, may be relied upon with safety. Events, also, in general, admit of being known; and when they are subject to the observation of many persons, mis-statements in them easily admit of correction; but when they can have been observed by only a few, their mis-statements are not easily corrected; and, hence the general opinion of them, though uncontradicted, cannot be so safely trusted. On philosophical subjects, many opinions have prevailed universally,

after having been dropped, are circumstances in its favour.

Though reports are seldom without some foundation, yet they are frequently inaccurate. They are subject to exaggeration and misrepresentation. Hence, though they are entitled to some degree of credit, they can seldom be relied on with safety. On subjects, therefore, which are important to us, they ought not to be neglected, but to excite us to ascertain, by further inquiry, what degree of truth there may be in them.

On belief in Tradition.

Our assent to this kind of evidence, should be regulated by nearly the same circumstances, which are mentioned under the foregoing head.

On the credit due to Analogy.

With regard to this extensive species of probable evidence, very few directions seem capable of being given. It may, however, be observed, that, as to those qualities which have no necessary connexion with each other, it is by experience alone, that it can be known, which of them do, or do not, either constantly

or generally, co-exist in the same subject. Hence, experience seems the only safe ground of reasoning by analogy. It may, also, be remarked, that the greater the number of points of resemblance are between the subject in question, and that from which the analogy is taken, and the stronger the resemblance is in each of these points, the safer will our conclusions be; and, that where the resemblance holds in only one or two points, or is in itself weak, the conclusion is very uncertain.

On the credit due to inferences from Facts or Premises.

As inferences from facts are deduced by analogy, what has been said above, is applicable to them.

On presumptive evidence, Blackstone (vol. iv. page 352.) says, that "presumptive evi- "dence of felony should be admitted cauti- "ously; for, the law holds, that it is better "that ten guilty persons should escape, than "that one innocent should suffer." This rule of law manifestly supposes, that presumptive evidence is attended with great uncertainty; and, consequently, it ought, in other cases also, and not only in those of felony, to be admitted with caution. For, though the conse-

quences of an error in deciding on a case of felony be more awful than on a question of property, and much more awful than those which would attend an erroneous opinion, in private matters; yet, as far as respects the mere error itself, independent of its consequences, all the cases are equal. And, as the attainment of truth ought to be our object in all our inquiries, we ought at all times to be cautious in deciding on this species of evidence. Sometimes, however, it is necessary to found our decisions upon it, because no other evidence can be procured to determine the question. It is, therefore, requisite to consider how we may proceed in such cases with the greatest safety.

Sir Matthew Hale, we are told by Blackstone, lays down two rules to be observed, in trials for felony. "First, never to convict a man for "stealing the goods of a person unknown, "merely because he will give no account how "he came by them, unless an actual felony "be proved of such goods. And, secondly, "never to convict any person of murder or "manslaughter, till at least the body be found "dead, on account of two instances he mentions, where persons were executed for the "murder of others, who were then alive, but "missing."

To these rules relating to felonies, the following, of a more general nature, may be

added. As the same circumstances may attend different facts, and it is our business to determine from the circumstances established in proof, which of those various facts did exist, we ought, in the first place, to inquire what facts the circumstances proved, might attend; secondly, to state each of those facts distinctly; and lastly, to compare each with every circumstance, in order to discover with which of the facts all those circumstances do most probably agree. The formality of this procedure is necessary, because we are always, through prejudice, or by the suggestion of others, in danger of connecting the circumstances with some particular fact; and, thus another fact, with which they might, perhaps, be connected with greater probability, will be overlooked. But, if we proceed with this formality, we shall be less likely to overlook the real fact; and, if we thus cautiously compare each fact with the known circumstances, we may find, that though with some they may agree equally, yet, with one or more of the other circumstances, there is only one of the supposed facts, which can well agree; and, thus we may discover which the true fact is.

On deducing inferences from premises, it is scarcely consistent with the object of this tract to enlarge, but the reader is referred to books on logic, for the rules which are necessary to

be observed. And for the modes of proceeding in the doctrine of chances, and purchase of annuities, he is referred to such of the writers on mathematics, as have treated these subjects professedly; they being entirely mathematical subjects.

## CHAP. V.

### *On the Kinds of Evidence of which different Subjects admit, and on which they are actually believed.*

MANY Truths are believed by most men, on a lower species of evidence, than that by which they might be proved. Hence it will be proper to enquire, not only of what evidence different subjects admit, but also, on what they are usually believed. The subjects of human knowledge are so numerous, that it would be impracticable to mention them all; and, were it practicable, it would be useless; as the mention of a few will be sufficient.

Mathematical truths, though capable of demonstration, are admitted by most men, only *on* general notoriety. For, they are neither

able to understand the demonstrations of them themselves, nor have they, ordinarily, for their truth, the evidence of those who do understand them; but, finding them generally believed in the world, they also believe them. Their belief, also, is confirmed by experience; for, when they have occasion to apply them, they find that they lead to just conclusions.

Moral maxims and proverbs, are usually admitted on the same evidence. For, though they be deduced from the observation of life, yet few men possess sufficient attention or discernment to form them for themselves. Most men admit them, because they are generally believed. And though they be capable of confirmation from experience, yet, as they are not universally true, but true only for the most part, their confirmation must be drawn from the comparison of a great variety of cases, to which they apply. This comparison few will take the trouble to make, and, therefore, they seem to be believed by most men only on their general notoriety.

Of the properties and effects of the subjects of natural history, as animals, vegetables, mi-

nerals, fossils, earths, &c. These were originally known by personal observation; and, as the subjects still exist, they are still capable of being known in the same way by all; and are so known by some. And when the subjects lie within our reach, and require little pains or skill in examination, it is on personal observation that their properties and effects are believed in general. But, as many of them lie at a great distance, and are obtained with difficulty; and, as their examination requires extraordinary skill and discrimination, so their properties and effects can be personally observed only by few. If, therefore, they be believed by the bulk of mankind at all, they must be believed on the credit of others. The highest degree of evidence which can ordinarily be obtained for them, must be drawn from books published by naturalists, who have made personal observations on them. And the information possessed by those who have not read these books, is derived from a still lower source, as from compilations or general notoriety.

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Of the effects of certain substances on mankind, we have, in many cases, the evidence of personal experience, confirmed by the experience of others. In some cases, our infor-

mation must be derived entirely from others. Often, our experience of these effects has not been uniform; and others testify the same. For instance, the things which agree with us at one time, disagree with us at another. Here, we suppose, either that the substances are dissimilar, or that our bodies are in a different state.

Certain sciences relate to some of these subjects, and certain trades or professions to others. The learned in those sciences, and the members of those professions, obtain a considerable part of the information which they possess, relative to those subjects which belong to their own line, by personal observation; but, for a large share even of such information, they must be indebted to the observation of others. Thus, a physician, for instance, cannot have obtained his whole stock of knowledge by his own observation, but must have derived much of it from books or conversation.

What has been said, relates only to the general truths belonging to the subjects above-mentioned. The application of those truths to particular cases, must proceed on the principles of analogy. For, it is only by the resemblance, which different subjects bear to each other in some particulars which have been already ascertained, that we can infer, that they also resemble each other in all other particu-

lars, and will be productive of the same effects. Thus, for example, I may have learned, that the metal which is called gold, is yellow, heavy, fixed, malleable, ductile, fusible, and soluble, in aqua regia, but not in aquafortis. But, if I would decide, whether a particular piece of metal, which I perceived to be yellow, heavy, fixed, fusible, and soluble, in aqua regia, but not in aquafortis, were also malleable and ductile (unless I determined it by experiment) it would be only by analogy that I could presume that it was so, and therefore really gold. In these cases our reasonings rise no higher than probability; though it is admitted, that that probability amounts nearly to moral certainty. For, it is not necessary that substances, which resemble each other in some properties, should also resemble each other in others. It is possible, for instance, that a substance may exist, which possesses all the other properties of gold, except its malleability and ductility, or which possesses even all the known properties of gold, without exception, and, together with them, certain other properties which would really change its nature, and constitute it a different thing. But, as neither accident nor research has ever presented us with such a substance, it is highly improbable that it should exist.

Of facts, which respect the constitution of nature, and the changes of the heavenly bodies, the more obvious are known by personal observation, confirmed by the uniform experience of all, whom we have ever heard speak of them. Some persons also know, that they depend on causes of so permanent a nature, that the constitution of the world must be altered or suspended, before they will cease. On these subjects, therefore, they have the highest degree of moral evidence. For the ebbing and flowing of the tides, they who have lived always in an inland country have only the observation of others. But then, all whom they hear speak on the subject affirm it, and therefore, they firmly believe it. They who have lived near the sea-shore, have the evidence of their own experience, added to the observation of others. And again, other persons know, that it depends on causes as permanent as the changes of night and day, and have the same species and degree of evidence with that above mentioned.

Present facts, such as the existence of certain cities or buildings, of certain institutions, of countries, seas, or mountains, &c. admit of personal observation, testimony, or general notoriety. But the personal observation of these,

as they are specific facts, belongs to a higher species of evidence. When the things lie at a convenient distance, they are actually known by many on this evidence. But, when they lie at a great distance, they are known by most men, on no higher evidence than testimony; or, more frequently by general notoriety. Few men, for instance, have ever been in China, fewer still at Pekin. The greater part of mankind have never been informed, by eye-witnesses, of their existence, and therefore, must believe it on general notoriety.

Of the hand-writing of persons, we judge by analogy. For, from the resemblance which the writing in question bears to the writing of a certain person which we have seen before, we infer that it was written by him. The resemblance, on which we judge, is not so much in the shape of each particular letter, as in a certain general character of the writing, which can hardly be described. Our ability to decide here with safety is confirmed, or weakened, according to the experience which we have had of the correctness or incorrectness of our decisions in former cases. Nearly the same remark may be made of determining, that certain pictures are the work of a certain master; or, that

a certain building was planned by a certain architect. Here the decision is founded on the resemblance which the works in question bear to works of the same kind, by the same hand which we have seen before; and, here too, the resemblance consists in the general style, rather than in the particular parts.

Of the effects of institutions on the character, manners, and happiness of mankind, or of peace and war, riches and poverty, &c. By comparing the state of one people, where these prevail, with that of another, where they do not, or, where their opposites prevail, a tolerably correct judgment may be formed of their effects. If we would collect general truths on these subjects, we can do it only by a careful study of history, and even by a comparison of different histories. The evidence attainable here, is of the nature of personal observation, exercised upon that species of testimony which is called historic evidence. Certain general opinions on these points are also current in the world, and which are believed by individuals on the authority of that general currency. These are, perhaps, more numerous than those which are formed by personal investigation. Some of

them may be true, but many are probably false.

Of the knowledge of men's motives and intentions. The proper evidence of these is testimony. But, though men declare to us their motives and intentions, there are difficulties in forming a correct view of them, which ought to be considered.

They may intend to state them either fairly or deceitfully. If they intend to state them fairly, we are in danger of misconceiving them on several accounts. As first, because their words may not exactly express their intentions. This may arise from the imperfection of language, from carelessness in the use of words, or from that absence of mind, which prevails in all men in some degree, but in some men in a much greater degree than in others. It may arise also from the disposition which almost all men have to hyperbolical expressions, especially when under strong emotions of passion. Thus, were you to form your expectation of the services which they would render to any friend, from the expressions of kindness which they uttered, while under the influence of affection towards him, you would often be disappointed. Or, were you to pro-

portion your terrors to their expressions of vengeance, when violently enraged, you would find them much greater than they ought to be. Another, and perhaps a still greater danger of misconception, arises often from the disposition of the hearer to put a false, or an exaggerated interpretation on people's words. A wish, for instance, to attain a certain object, will frequently be interpreted into a design to attempt the attainment of it, though no such design be entertained by the speaker. Thus, the exclamation uttered by Henry the Second, when vehemently agitated by the complaints of the excommunicated Prelates against Thomas à Becket, was interpreted into a desire to have him assassinated. But the wish to attain an object, does not necessarily, or even at all times probably, imply an intention to attempt its attainment. The mind, besides considering the desirableness of the object, considers also the means of effecting it. These are two distinct considerations, and it often approves the one while it disapproves the other. I may wish for a splendid carriage, or a fine house; but when I consider the price which must be paid for them, and the expence at which they must be maintained, I may be very willing to do without them. Just so is it in regard to every other object. The object itself may appear very desirable. But when a man perceives

that the means necessary to its attainment are unjustifiable, or dangerous, or too laborious or expensive, he may be, and often is, determined not to engage in any attempt to attain it. However distinct these considerations are, they are very apt to be confounded by those whose minds are influenced by terror, or political animosity, or by those who are too sanguine in the expectation of the accomplishment of their wishes, and who, in consequence, promise themselves the co-operation of all, who approve the same ultimate object. Many of the French Emigrants, who have returned to their country are, no doubt, very desirous to see the Bourbons restored to the throne of their ancestors, and the ancient institutions of France re-established; and perhaps, in the moments of confidence, may express that desire. But while they continue peaceably to submit to the government of Buonaparte, it would be extremely unjust to impute to them an intention to attempt the attainment of these objects. It would, also, be rash to conclude, that they would be willing to expose themselves to all the dangers, which they must necessarily incur, by joining in an attempt at a counter-revolution. The disappointments complained of by those, who have paid their court to the great, have probably often arisen from this *source.* Being of a sanguine disposition, they

have interpreted expressions of civility or kindness, as declarations of an intention to promote their interests, when no such intentions were entertained or meant to be expressed.

These difficulties may, however, be generally overcome, if we be but willing to restrain our passions, to lay aside our party prejudices, and to interpret men's words fairly; and if, instead of considering what their expressions might mean according to their full literal import, we consider what is their usual meaning under similar circumstances, or how far the expressions of men, under the influence of violent passions, usually exceed their deliberate intentions.

It is, also, an important rule, in interpreting the statement of men's motives and intentions, to put such a construction upon them, as will make the whole of that statement consistent with itself, and with the common principles by which men are actuated. For, it is to be presumed, that men possess sufficient common sense not to entertain contradictory intentions, or to use such means as are directly inconsistent with their objects. And it is further to be presumed of each individual that he possesses the dispositions, and is actuated by the principles which are common to mankind. A dispute having long existed between A and B, inhabitants of the same town, A at

length conceives that B is going to purchase a small spot of ground which A occupies adjoining his house. In a conference held to adjust their dispute, A charges B with this intention, which B denies. But A appearing to discredit him, B endeavours to shew him, that he could make no other use of the ground, than to erect a manufacture upon it, which he could not erect without a vast expence, and which, being a nuisance to a near neighbour, the law would most probably compel him to take down again. B goes away in a great rage, and spreads a report that A, in order to bring him to his own terms in the settlement of their difference, threatened to buy the spot of ground over his head, and to drive him from his residence by erecting upon the ground a manufacture pernicious to its neighbourhood. Now, this interpretation was manifestly perverse. For, when men mean to threaten, they do not magnify the difficulty of executing their threats, but on the contrary endeavour to make the execution of them appear as easy as possible. But, if what A interpreted as a threat, be understood as a reason to prove that B had no intention to purchase the ground, all becomes consistent. For the expence of the undertaking, and the probability of its failure, are strong reasons to prove, that he did not harbour such a thought.

But men often state their motives and intentions deceitfully. For they frequently assign such reasons for their conduct as are likely to satisfy those whom they address, rather than the real motives of their actions, and state such intentions as are likely to be approved, rather than their true objects. We must, therefore, inquire whether there be not some criterion by which we may distinguish the excuse from the true reason, and the plausible intention from the real object. When a man states his real motives, it will in general be found, that they influence his conduct, not only on the particular subject then in hand, but on all other subjects to which they are applicable. By comparing, then, his conduct in regard to other subjects with the present, we may often discover whether his alledged motive be genuine or not. But some caution is necessary in applying this rule. For he may be really influenced by the assigned motive on the present occasion, though on former occasions that influence was overcome by superior motives. It is, therefore, necessary to consider all the circumstances of the different cases, in order to discover whether, on the former occasions, any such superior motive did exist, which does not exist at present. If, however, no such superior motive can be discovered, it is probable that

his assigned motive is feigned. Thus, suppose a man allege his affection for his cousin as the motive of his present conduct, and yet I have known him prefer the interests of other persons to the interest of this cousin; if, on comparing the cases, I find, that his cousin's competitor was always a nearer relation of his, as a son, a brother, or a nephew, or was an old and beloved friend, I could not presume, that his regard to his cousin was a feigned motive. It might be the real motive, but yet on former occasions have been overcome by a superior attachment. But if, on any of those other occasions, he preferred the interests of an indifferent person, or a stranger, I might, then, reasonably suspect the sincerity of his alleged motive. And further, by such a comparison of the different parts of a man's conduct, we may often discover, what the true motive most probably is. For, this comparison will often point out some secret motive existing at present, and on all the other occasions, which, though acting in different directions at different times, may account satisfactorily for the whole of his conduct. Thus, if a politician allege his regard to the liberties of the people as his motive for opposing the minister of the day, and yet we have known him support a former minister, whose measures were equally injurious to their liberties with those of the present minister,

we may not only conclude his assigned motive to be feigned; but, moreover, by considering that his interest will account satisfactorily for his conduct on both occasions, we may with probability conclude his interest to be the real motive on both. Or, if we hear a man assign his disapprobation of some particular parts of a certain person's conduct as his reason for refusing to be connected with him, and yet know that he has equally connected himself with other persons, whose conduct was chargeable with the same fault in as great a degree, and likewise find on inquiry, that his interest was promoted both by forming the connexion, and by refusing to form it, we have good reason to presume that his true motive was his interest. There is a circumstance, indeed, which may render such conclusions fallacious. It is possible, that he may have changed his opinion, and that the difference of his conduct may have arisen from this change. It should, therefore, be considered whether there be any reason to conclude that such a change of opinion has taken place: for this ought not to be presumed without probable evidence. We should inquire, therefore, whether any event has taken place, which is likely to have produced the change, and whether his conduct upon the whole resembles that of a man, who has been sincerely con-

vinced of his error. When a conviction is sincere, there is, generally, a frank acknowledgement of the error, and a tenderness towards those, who may continue to err in the same way. There is, also, a careful explanation of the grounds on which the conviction proceeded, and a caution against exciting suspicions of insincerity. When a man's interests are promoted by the change, he is then peculiarly careful to prove his sincerity both by his explanations of his motives, and by the strict propriety of his conduct. A due attention to these circumstances, and a due regard to the validity of the reasons assigned, and to the effect which they were likely to produce on the man's mind, will, in general, lead to a correct decision. The chief danger of error in such questions, as indeed in all other questions of moral evidence, arises from the influence of our passions, interests, and prejudices, which prevent our paying due attention to experience or allowing sufficient weight to probability in forming our judgments. When Sallust tells us, that, after the Ambassadors of Jugurtha had bestowed large sums of money on the most powerful of the Roman Senators, so great a change took place, that Jugurtha, from being the object of universal hatred, became the object of favour and regard, we do not hesitate to attribute this change to the

influence of the bribes. As we have no interest here to blind our eyes, we acknowledge immediately the connexion between the cause and the effect. But if, in the present day, a man, who has been for many years railing at a particular minister, should, on obtaining a lucrative post under government, suddenly become one of his most strenuous advocates, we may, if we be partizans of the administration, be inclined to dispute, that his acquisition of the post was the real cause of his change. But to what is this inclination to be attributed, except to the influence of a party spirit? Men do not judge in this way, when they are sincerely desirous of judging rightly. It may, perhaps, be contended, that it is possible the change of his conduct may have arisen from a change in his opinions. No doubt, it is possible. But it ought to be strongly impressed on our minds that *probability*, and not *possibility*, is to direct our judgment of matters of fact. And it is certainly very extraordinary, and consequently very improbable, that the change should have taken place at the precise moment when his interest required it, that no other reason for the change can be discovered to have existed, and yet that it should not have been produced by that interest.

Where a man does not reveal to us his motives and intentions by his words, we can

collect them only by inference from his conduct. And, here an important question occurs: Whether the intentions and motives of men can be safely inferred from their actions? This is affirmed by some, but denied by others. It is obvious, however, that in the administration of justice in this country, it is taken for granted, that they may be safely inferred; for, in most criminal cases, the intention constitutes the very hinge of the question of guilt or innocence; and, that intention must be decided upon by the jury from the conduct. But, if it cannot be inferred, how can they safely give a verdict? And, it should be observed, that stronger evidence is requisite for a legal decision, especially in criminal cases, than for an opinion in private life. This argument to prove, that the intentions may be inferred from the actions is, indeed, only an "Argumentum ad verecundiam;" but, when all the circumstances of the case are duly considered, it will appear to be as strong a one of the kind, as can be adduced. For, if the inferences had been as precarious as some men would have us suppose, it cannot be conceived but their insecurity would, in the constant course of practice in courts of judicature, have been long ago discovered; and that all attempts of thus collecting the motives and *intentions* from the conduct would have been

abandoned. This point may however, be proved from observation or experience, the great principle of moral evidence. For, observation and experience will shew us that there are certain circumstances in a man's conduct, which will indicate his motives and intentions, however he may attempt to disguise them by words. And, doubtless, the most strenuous opposer of this doctrine, if placed in certain situations, where his passions were greatly agitated, would find that he himself could interpret a man's intentions by his conduct. If, for instance, he were passing through a wood alone, in the dusk of the evening, with a large sum of money about him, which he had just received in the presence of several people, and should observe one of those people watching his approach, half concealed behind one of the trees, with a pistol in his hand, his fears would soon teach him, that the man intended to rob him. Or, if a person, whom he had greatly offended, should, with strong marks of rage in his countenance, seize up a weapon, or draw his sword, or pull out a pistol, he would have little doubt that he meant to kill him. In some few cases, passions are more faithful advisers than reason; for, they sometimes set aside the sophistries with which interest or prejudice had deluded us. There can be as little doubt that a man, who, with

weapons concealed about him, waits for his enemy, or industriously seeks him out, and kills him, was actuated by malice prepense. It will be said, perhaps, that these are strong cases. But, if these be admitted, it must then be acknowledged, that there *are* cases in which the motives and intentions may be inferred by the actions: and the only question then will be, under what circumstances, and how far the indications of the conduct can be trusted. If observation and experience be fairly consulted, it will be found, that their information is not confined to such cases as those above-mentioned. By comparing the conduct of men, known to be actuated by certain motives or intentions, with that of others not so actuated; or, by reflecting on our own conduct, when we were under similar influences, we shall discover marks which may be safely trusted; and to which we can scarcely help attending when we are not interested to the contrary. In the application of these marks, we reason by analogy. Here again, it may be said, that no indications, learnt from experience, can afford us a certain knowledge of motives and intentions. But it may be replied as before, that human affairs do not admit of certainty, but of probability only; and that the probability here is often as great as the events of life usually afford.

When experience teaches us, that the same marks in the conduct may arise from two different motives, there, we cannot safely infer from those marks, which of them exists; but, must determine this from other circumstances. Thus, in the application of the old maxim, "He confesses the fault who avoids the trial," there is often great danger of error; for a man may avoid the trial from another motive, besides consciousness of guilt; as because he is convinced that such is the temper of the times, or such the character of his judges, that he cannot obtain impartial justice. For, there have been times in which to be brought to trial, whether guilty or not, was almost a certain prelude to being convicted. It was so in the famous circuit of Judge Jefferies, and during the reign of Robespiere.

The knowledge of human nature, *i. e.* a knowledge of the dispositions and characters of men, of their capacities, of the confidence which may be safely placed in them, or the expectations which may be formed of them in certain circumstances, though it admits of personal observation, and the observation of others, is yet usually grounded on general notoriety. Few men, comparatively, possess sufficient dis-

crimination, or are sufficiently attentive, to attain it for themselves. The greater part have not even learnt it from those who have attained it by their own observation, but acquire what they possess of it, from the maxims which pass current in the world.

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Our transactions with men are regulated much by their characters, (for which characters we have, often, no other ground than general opinion,) and much, perhaps most, by confidence. We purchase and consume articles of food and medicine, of which we are not sufficient judges to know, that they have not been adulterated by ingredients of a pernicious nature. Yet we know, that the articles, with which they might be adulterated, are often so inferior in value as to render adulteration profitable: that many tradesmen are not so delicate, as to refrain from adulteration, when it is profitable: that it is easily practised, and in each particular case, not likely to be detected. On the other hand, we trust, that though articles be often so adulterated, as to render them less salutary, or even injurious, yet it is only in a slight degree: that scarcely any man would be so wicked, as to render them absolutely destructive: that the practice could not be often

repeated, without being suspected, and perhaps, detected; that the discovery would be attended with infamy and ruin. More than all this, we see others buy and consume these articles, without suffering material injury; nay, we ourselves have been accustomed so to do, from a period prior to that in which we were able to reason on the subject; and yet, have felt no harm. We, therefore, persist in doing it, without fearing any. Thus, in cases where our health, and even our lives are at stake, we act on a confidence, built on a sort of general experience, without any positive evidence, arising from testimony, or our own skill. It may be said, that we do this, because it is the less of two evils: for, no man could provide all his food, and prepare it himself, or wait till he had ascertained that it was innocent before he would eat it; if, therefore, he did not act on this confidence, he must starve. But, I answer, that we act thus in many cases not to preserve life, but merely to gratify our palate. And, in acting on this principle of confidence, we act reasonably. For, though instances of people's being injured, or even poisoned, occur; yet, in comparison with the instances in which they thus trust to others with safety, they are as nothing. Hence, it appears, that the probability of our security in so doing, immensely exceeds the probability of injury.

And, this is as good evidence as human life admits; absolute certainty being unattainable. On this principle, too, we trust our lives in the hands of physicians and apothecaries, and often without any direct evidence of their skill or integrity. So also we trust our fortunes in the hands of attornies, and a considerable part of our property in the hands of our servants. And, from this last circumstance, a confirmation, that this principle of confidence is regulated by experience, may be drawn. For, those articles of our property, which we know, either from our own observation, or the experience of others, that servants are likely to purloin, we secure from them; while we leave open to them those which we know, by experience, they are not likely to plunder. It is, also, on the same principle, (though the remark may not be exactly in its place,) that they are to be vindicated from the charge of imprudence, who venture themselves at sea, or even on horseback, or in a carriage. Accidents in all these do occur; yet, they are not frequent enough to render the practice imprudent. If the instances in which they occurred, bore a large proportion to those in which they do not, it would be imprudent thus to expose ourselves to danger, without a strong necessity.

Of transient facts or events which we did not see, the proper evidence is testimony. If they be recent, personal witnesses of them may be produced; and then they may be established by *viva voce* testimony. But, if they be of a greater date, we must be content with the evidence of written testimony. In some cases, the testimony of a fact long past, may be confirmed by an observation of present circumstances. Thus, the deluge is confirmed by layers of sea-shells, which are found in high situations, at a distance from the sea, and deep in the earth. Volcanoes admit of confirmation from the lava and ashes. That certain large cities have existed and been destroyed, may be confirmed by the ruins which still remain. That camps have been pitched, and battles fought in particular places, may be confirmed by the appearance of the ground, and by the bones which are still found there. Some events admit of a confirmation by other writings, either public or private; besides the history in which they are mentioned, and from which our first information of them was obtained. The weight of this confirmation varies, according to the nature of these writings. Public records are of the highest authority. Deeds, bonds, receipts, are of undoubted weight, especially if the handwriting of the parties, who executed or witnessed them, can be ascertained. But, then,

these confirmations are rarely obtained; and, therefore, such events are generally believed on no higher evidence than written testimony. They are most frequently believed, on even lower evidence than this. For, written testimony is properly the evidence of a person, who himself observed the events, which he relates. But, such evidence can seldom be had. For, most events which have been long past, we must be content with a testimony, which has passed through several hands, before it reached us; and, very rarely can we ascertain the channel through which it came; for, we can seldom learn how the writer became acquainted with the events which he relates. And, even this degree of evidence is not possessed by most men, who yet believe the event; for, they have never read the works of the original writer, in which they are recorded; but, have obtained their information from a mere compilation.

When a recent event becomes the subject of examination in a court of judicature, it admits of the highest evidence which testimony can afford. For, the witnesses are then sworn to speak the whole truth, and nothing but the *truth*. They give their evidence in the face of

the court. They are cross-examined by the counsel of the adverse party, who are qualified, by long practice, to detect deceptions, and discover the truth. The authenticity also of every paper brought in evidence, may be examined, and the force of its proof fully established. When a fact of an older date becomes the subject of a law-suit, the only evidence of which it can admit, are written memorials. For instance, when the title of an estate is called in question, deeds are capable of being produced in evidence. But, as the parties who executed them, and the witnesses to their execution have been long dead, the hand-writing of neither of them can be proved; and therefore, the authenticity of the deed can be proved only by the appearance of its antiquity. Where the right is claimed by descent, it admits of being proved by parish registers, and sometimes by sepulchral monuments; or, in some cases, by records in the herald's office; or, perhaps, by family registers; all of which are of great authority. Possession, added to either of these, is deemed satisfactory.

Recent public events, such as battles, sieges, &c. admit of the evidence of gazettes, and of general notoriety. These gazettes come to the

public under the authority of Ministers of State; and the credit due to them must be regulated by the judgment which is formed of the ability of the Ministers to know the fact, and their disposition to communicate it fairly. In respect to the former, their information is conveyed officially by those who are personally acquainted with the facts, who are responsible for conveying the truth, and act under a conviction, that they will probably be detected, and punished, if they attempt to deceive. As to this point, therefore, there can be no reasonable doubt. In respect to the latter, the judgment should be formed by experience. If, on a fair investigation, it appears, that persons in their stations have been accustomed to give correct information to the public on such subjects, it is then entitled to credit, but not otherwise.

## Of the evidence of which History admits.

Though many historic facts resemble those, which have been already mentioned, in the evidence by which they are supported; yet the importance of history renders it worthy of a separate discussion, especially as its credibility has been disputed in almost unqualified terms.* So

* It is to be regretted, that the objections to the credibility of history, are not proposed with more caution and precision, than *they usually* are. From the unqualified terms in which they are

far as any historian relates only such facts, as he himself observed, the evidence is of the same kind with written testimony; only, as politics are more likely to warp the judgment, than almost any other subject, extraordinary caution may be necessary in giving credit to his relations. No historian, however, relates only such facts as he observed himself; for, though some may say of their subject, "quorum pars "magna fui," they must mention many things which they neither did, nor saw, nor heard, but which they learned from others; and indeed, such facts must generally, if not always, make up the greater part of their history. For these, their evidence is only testimony, that what they relate, is the judgment which they have formed from the use of the means which they possessed. Before we can tell, therefore, what degree of reliance is to be placed on their accounts, we must enquire what means of information they can possess. These will differ, according to the nature of the facts, and the circumstances of the historian. If the facts be of a public nature, their truth is generally

often urged, all historic evidence seems in danger of being called in question. Of the extent of the mischief likely to result from such statements, their proposers are little aware. They do not consider, how great a part of the evidence of revealed religion, is of the nature of historic evidence; and, therefore, what would be its fate, if that species of evidence should be regarded as unworthy of credit? "It is obvious," says Bishop Butler, "that "Christianity, and the proof of it, are both historical." Analogy, part ii. chap. 8.

capable of being ascertained with ease. By public facts, I mean such as Ministers of State either wish to be publicly known, or, at least, have no desire to conceal. For these, the historian has generally the evidence of proclamations, gazettes, or other public papers, or general notoriety. And, as the publicity of such facts exposes every account of them to animadversion, and to correction, if they be at all erroneous, a just view of them may be easily attained. This is especially the case, if the historian resides in the country of which he writes; but it holds also to a considerable degree, when he does not; for so great an intercourse prevails between the different nations of Europe, especially in the time of peace, that, what is publicly known in one, soon becomes known in others. As to such public facts, therefore, historians are entitled to full credit, so far as relates to their means of information. The same publicity of the facts which they record, secures also their fidelity in relating them, as it exposes them to detection and shame, if they endeavour to deceive.

The only difficulty, therefore, relates to facts of a secret nature, such as the intrigues of courts, and of parties, debates, and resolutions of Privy Councils, motives for peace or war, secret alliances, and secret* articles in treaties,

* *These* secret articles are often, perhaps generally, revealed *by the circumstances* which time discloses.

corruption of public officers, or of popular leaders, &c. Of such facts, positive and direct evidence of testimony can very rarely be obtained, till a length of time has elapsed. The only information, therefore, which a contemporary historian can obtain of them, must be by remote testimony, report, or inference, drawn from such facts as are of a more public nature. It sometimes happens, that some of the parties concerned, have revealed them in confidence to their friends, and they again, still in confidence, to their friends; till at length they have become known to numbers. If the historian be of the higher ranks of life, he often becomes thus acquainted with these secret facts, either by remote testimony, or credible report, if not by a general notoriety within the higher circles. And, even an historian of inferior rank may become thus acquainted with them; for, in the present state of society, there is such an intercourse between the different ranks, that what is known in one, is soon known in all. When none of the parties have themselves betrayed the secret, information may have been obtained from secretaries or clerks, to whom much must necessarily be revealed to carry the plans into execution. And when the facts are likely to have great influence on the public funds, it is probable, that persons so much interested in knowing them, as stock-jobbers are, and so able

to pay largely for information, will not fail of obtaining it. If, however, nothing transpires in either of these ways, there remain only inferences from more public facts. These, it must be admitted, do not afford such satisfactory evidence, as the more direct sources of information; but, it may be doubted, whether they do not furnish a better ground for our judgment, than politicians are willing to allow, at least when they are used against themselves, or their partizans. An attentive study of human nature; an accurate observation of the conduct of men under certain circumstances, or influenced by certain views and motives; a careful application of the knowledge, thus acquired, to particular cases as they occur; together with a comparison of the different parts of the conduct of the men in question, to discover their general objects; and a due consideration of their circumstances, will enable a man of judgment and penetration to form a tolerably just opinion of many of these secret facts. And, if the light, which subsequent facts throw upon the question, be properly applied, that judgment may be corrected or confirmed. The historian may also, in forming his judgment, avail himself of the assistance of politicians of the opposite party, whose abilities and skill in politics qualify them to draw their inferences more correctly than other men.

Opinions, thus formed, will, however, be more true in *generals*, than in *particulars*. Thus, it may be safely inferred, that disgust has been taken, when the particular occasion may be unknown. We may conclude, that a certain resolution has been adopted, when we know neither the reasons on which it was founded, nor the parties who supported or opposed it. Or, we may infer, that a particular man has been corrupted, when we are ignorant of the nature of the bribe, or the channel through which it was conveyed. They who endeavour to discredit all historical information founded upon inference, have, probably, been indisposed to give it sufficient credit for its correctness in *generals*, on account of their disgust with its errors in *particulars*.* After all, however, the assent which is due to those facts of history, which rest on such evidence, is lower than that, which should be given to such as are of a more public nature.

In respect to public facts, a contemporary historian has some advantages over one who records events, which happened long ago. For, he is likely to have a clearer view of the

* If a man wish to obtain satisfactory ground for the decision of this question, let him collect the opinions which have, from time to time, been entertained of secret facts, and compare them with the information which has since been obtained of their respective subjects; as, for instance, the opinions which were entertained of Charles the Second, and his Ministers, should be compared with the information furnished by Sir John Dalrymple's Memoirs.

connexion of causes and effects, and a more extensive knowledge of circumstances, as far as they are generally known. He has, also, greater opportunities of gaining information from others who may be more fully acquainted with any particular circumstances than he is. But, in respect to secret facts, he, who writes the history of a period some time past, has the advantage. For, the private letters and papers which are in the cabinets of princes, and in the hands of private families, are often, after a time, made public; and, then the secret transactions and motives of politicians are ascertained.—Thus, the papers contained in the Memoirs published by Sir J. Dalrymple, have thrown considerable light on the Histories of Charles the 2d. James the 2d. and William the 3d. Added to this, he is generally able to form a more correct judgment of the evidence on which the facts are founded, as well as of the nature of the facts themselves, than a man who writes while party prejudices still prevail.*

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The evidence of memoirs, written by persons who had a considerable share in the trans-

* Many persons may be able to estimate the magnitude of this advantage, by considering how different were their views of political transactions, when they took place; from what they have since formed on an impartial review of them, or on reading the history of them.

actions which they relate, has been considered as superior to that of history; and, no doubt it is so, in many respects; but the preference which has been given to it, seems too unqualified. Such a writer must, of course, be better acquainted with facts, circumstances, and characters, than a private historian can be. For, he must have better means of information of the proceedings of his own court, and of others, of the circumstances under which treaties were made, and of the secret articles annexed to them. He knows the conferences and councils of his own party, and the professed views of its members; but, their real views he can learn only by inference, as well as others. The views and councils of his opponents can be known to him only by testimony or inference. And, the testimony, which he can obtain of them, must be more or less suspicious, being that of spies and traitors to their party, persons who have often an interest in deceiving him. But, whatever advantages he may possess, great allowance ought to be made for the influence of prejudice in forming his judgments, and of partiality in relating them. For, as he had a large share in the transactions which he records, he must be considered as a man pleading his own cause. Hence, we should be as cautious in giving credit to his relations, as we are to persons in private life, who state to us their own

case. And, indeed, if the conduct of politicians be fairly considered, it will, probably, appear that a more than ordinary caution is requisite in believing their statements. The evidence of a mere observer, an impartial person, so far as he possesses the means of information, is decidedly more safe, than of one concerned in the transactions, and interested in the judgment of mankind respecting them. This detracts more from the evidence of memoirs, than their advocates are willing to allow.

The history of remote periods, admits of the evidence of contemporary historians, of public records, and public account-books, and occasionally of public monuments. Sometimes it admits of the evidence of historians, who wrote subsequent to the period described, and who had the use of materials which have long since perished. Often, however, it admits of no other evidence than tradition; and that tradition so corrupted, by the desire which every nation has to aggrandize its origin, that the truth can scarcely be separated from the falsehood.

The evidence of Parliamentary Reports is also of the nature of written testimony; for they are composed by persons who heard the debates, and purport to be the substance of what they heard. As to the possibility of a man's giving, from memory, a tolerably accurate account of the debates which he has heard, it is a well-known fact. And, as to the probability of finding persons capable of doing it, no reasonable doubt can be entertained; because many men who have taken due pains to acquire an ability to do it, have succeeded. And, that the persons employed in reporting these debates are capable of doing it with tolerable accuracy, is highly probable; since they would not otherwise be continued in that employment. It is, indeed, possible, that some questions may be discussed in parliament, or some arguments urged, which they may not be able to comprehend; and these they would be likely to misrepresent. But, this cannot happen often; for the questions which are usually discussed there, and the arguments which are urged, are generally level to the capacity of a man of ordinary education; or, indeed, they would not be suited to their purpose. Besides, by being the subjects of frequent conversation, they are altogether within the reach of the Reporters. Their partiality is, therefore, the principal circumstance, which can render their account sus-

picious. It is said, however, that this does not extend to misrepresentation, but only to the passing over the arguments of their political opponents too slightly, or almost omitting their speeches, while they give those of their own party at length. And this view of the case is highly probable. Because, if palpable misrepresentations were made, as they would easily admit of correction, so, no doubt, they would be corrected, on account of the interest and the power of those members, whose speeches were misrepresented, to vindicate their own characters. Besides, if misrepresentations were material and frequent, as they must be known, it is not to be conceived that the houses of parliament would suffer their debates to be published; or that they would continue to be read with that attention and belief which they certainly obtain. It is remarkable too, that not only the public give credit to them, but even the principal speakers themselves consult the volumes of debates, when questions are coming on which have been discussed before, in order to see the arguments which were then urged by the respective speakers.*

* This question has lately been examined by Mr. Coxe, in his Memoirs of Sir Robert Walpole, under favourable circumstances, for an accurate decision. After a careful comparison of the debates, published during the period of which he writes, and the notes which had been written by Members of Parliament, together with other direct evidence on the question, he decides the *point in favour* of the authenticity of the debates.

It should be observed, however, that he who wishes to form a just view of the debates from the newspapers, ought to read a paper of each party; for then he would see in one, what was omitted, from party motives, by the other.

On what evidence can the authenticity of Books be established? We very seldom attain direct and immediate testimony for this point; *i. e.* we rarely hear the author say, that he wrote the book in question. If we are informed by a person who did hear him make such a declaration, we have then the testimony only at second hand. But, we have seldom even this evidence. Indeed, it rarely happens that we can trace through two, three, or more steps, or even trace at all, the testimony to this fact; and therefore, we usually believe it only on general notoriety, or even report. If the book bear on its title-page, the name of a living author, it may generally be believed to be his; because, if any credit be obtained by it, it is improbable that the real author would give the merit of his performance to another; and, if any disgrace be incurred by it, the reputed author would, probably, disavow it publicly; and, perhaps, seek a legal remedy for the injury. Yet, if report is to be believed, books

have been published, not only with fictitious names, but even with the names of living persons, who, yet never wrote them, but sold to the booksellers the liberty of using their names. This practice, however, is supposed to be confined to booksellers of a certain description; and therefore, it does not lessen the belief, that other booksellers do fairly give to the public the real names of the authors, whose books they publish. When a book is anonymous, the only ground, in general, for imputing it to a certain author, is report. If this report be credited by men reputed intelligent in things of this kind; if the reputed author be supposed capable of writing the book, (for which capacity there is often no other evidence than report,) if the report be contradicted by nobody, it may generally be safely believed. Sometimes, too, the style of the work, the method of treating the subject, and the sentiments enforced, will afford to some persons a probable ground of attributing the book to a certain author. But this supposes those persons to be acquainted with other works of that author, and with his sentiments on that subject, or others nearly allied to it; and moreover, that they possess considerable judgment in composition. Of course, this mode of ascertaining the author of a book, must be confined to few people. *In such cases*, and many others of a similar

kind, the report is some evidence on one side, which there is nothing on the other to counterbalance. Consequently, the preponderancy of the evidence is on the side of the report, and should produce some degree of assent.

The evidence for the authenticity of ancient books is rather different, and seems to be of the following kinds. First, that, so far as we can learn, the book is generally believed to have been written by the person whose name it bears; secondly, that it is imputed to him in books, supposed to have been written at, or near the time, when the reputed author is said to have lived. It is observable, that this is supporting one presumption by another; for, it may be asked, how do you know that the authors, whose testimony you cite, did live at that time, and write the books, which you impute to them? The coincidence, however, of several presumptions, provided they be independent of each other, does afford very considerable probability. Thirdly, that so far as we can learn, it has never been disputed to be the work of the reputed author. It is presumed here, that if it had been disputed, some record of that circumstance would have come down to us. Or, fourthly, that if it ever were disputed, its pretensions were examined, and yet it still continued to be attributed to the same author. This affords considerable con-

firmation, and the nearer the time of its examination was to its supposed publication, the greater is that confirmation. Fifthly, that the internal evidence of the book agrees with the correctest ideas, which we can form, of the reputed author, and of the time and place, when and where he is said to have written it; at least, that no incongruity appears, either in style, or in any other circumstance. For, a consistency in all the various circumstances of style, opinions, manners, customs, forms of government, persons, geography, &c. afford a strong presumption, that a work is genuine. Because, it is highly improbable, that an author should have so thoroughly acquainted himself with all these circumstances of the time and place, in which he would have his spurious book be supposed to have been written, and keep them so constanly in his mind, as never to make any one mistake, capable of being detected by the learned; and, at the same time, avoid the introduction of any circumstance of more modern times, with which his mind is so much more familiar. It may, indeed, be physically possible to do this; but it is certainly highly improbable. And it should always be recollected, that our opinions of human affairs are to be regulated, not by physical possibilities, but by probabilities. Experience shews, that whatever abilities may

be displayed in delusions, yet there is almost always some unguarded circumstance, which exposes them to detection. We find this in cases comparatively simple; and therefore, may more reasonably expect it in so complicated a case, as that before us.

Of what evidence do Miracles admit?

A miracle is an event, which happens contrary to the established course of nature. To an eye-witness, a miracle admits of the evidence of sense. The witness, however, must be supposed to be acquainted with the course of nature, so as to be able to judge, that the event in question is contrary thereto. In regard to the miracles recorded in scripture, this cannot be doubted. For no man of ordinary understanding, could be incapable of ascertaining, that the event was contrary to the established course of nature, when diseases were healed by a word, when sight was imparted to the blind, hearing to the deaf, the powers of speech to the dumb, merely at command, and without the use of any other means; especially when a corpse, which had begun to putrify, was restored to life by the speaking of a word.

To other men, miracles, like other events,

admit of the evidence of testimony. As we cannot doubt the competency of the witnesses to ascertain the facts, their credibility is the only point to be considered; and this must be determined upon the principles, on which the credibility of testimony, in general, depends. An objection, however, has been brought against the credibility of miracles, which merits particular notice. The objection in substance is, that a miracle being a violation of the laws of nature, which universal experience has proved to be invariable, its improbability cannot be surmounted by any human testimony whatever; because it is more probable, that that testimony should be false, than that a constant law of nature should have been violated. The evidence, which we have for the existence of a law of nature, and for the application of that law to particular cases, has been mentioned before. It was then observed, that, as the constancy of these laws depends entirely on the will of God, so no argument from that constancy can be of any weight, when there is reason to conclude that it is his will, that they should be suspended or altered. This observation would, of course, be denied by a man who holds, that the course of nature is governed by a principle of necessity, independently of the will, or agency of God. *But,* he who holds that God governs the

world, will admit the observation. With him, therefore, the only question would be, whether any occasion can arise, which, it may reasonably be concluded, would induce God to alter or suspend any of the constant operations of nature. And, if it can be shewn that such occasions may arise, all the objections from the most constant course of nature, would be of no real weight; their sound would then be more formidable than their meaning. This latter question must be determined by arguments of a different kind from the constant experience of natural things. It should then be inquired, whether it can be presumed, that any occasion can occur, in which it may be important that God should reveal his will to men, to correct their mistakes, to reform their vices, or to give them any new instruction. The view, which will be entertained of the probability of the existence of such an occasion, and of its importance, will depend on the judgment which has been formed of the moral state of mankind, and of the happiness or misery which may await men in the next world. If it be admitted, that such occasions may occur, it should then be enquired, how such a revelation can be made, so as to excite the attention of men, and warrant their reception of it as from God. Now, in what other way, discoverable by us, can this be done, than by ac-

companying it with miracles? Hence, miracles may be expected to attend a divine revelation. Consequently, they are not events so improbable, as to surmount the evidence of testimony, if that testimony be in itself unexceptionable.

On a review of this chapter, it will probably appear surprizing, on how small evidence most subjects are believed. This is mentioned, not to excite or encourage scepticism, nor should it have that effect. For if experience shews, that the instances in which we are deceived by believing on this evidence, small as it may be, bear an inconsiderable proportion to those in which we decide rightly by it, it has a just claim on our assent. For, experience must be the only criterion of the safety or danger of the practice. This review will, also, shew the inconsistency of refusing to believe certain things, which, perhaps, interest, or a regard to party, may incline us to reject, because stronger evidence is not brought for them, than in the nature of the thing they admit; while we are in the constant practice of believing so many other things, and those often of very great importance, on such slight evidence. *It should* be impressed on our minds, that,

though we do rightly in requiring the strongest evidence which the subject can afford; yet, it is our duty to be satisfied with the strongest of which, under all its circumstances, it admits.

## CONCLUSION.

A Few remarks shall conclude this tract.

1. From the whole of this work it will appear, that experience is the great test of probability, and the grand principle on which all moral reasoning must proceed, either in the attainment of knowledge, or in the regulation of practice. But then, it should be observed, that experience furnishes only the materials of knowledge; and, that great skill is necessary to make a proper use of them. The object of this tract is to facilitate the acquirement of that skill, by shewing how our observations are to be conducted in attaining a knowledge of things; and, how experience is to be employed in determining the probability of events, and in regulating our credit in the testimony and observations of others.

2. As experience ought to be the foundation of all our judgments of what is probable, we cannot learn to reason correctly on subjects

which admit of moral evidence so early in life, as on those which admit of demonstration; because, a considerable time must have elapsed, before we are furnished with proper materials to form our judgments. Hence arises the necessity of submitting to the judgment of those of our elders, who have no interest but in our welfare. And, hence, young men, even of great abilities, both natural and acquired, who reject the counsel of their seniors, often make such serious mistakes, as lay the foundation of bitter, but unavailing repentance. An indisposition to avail ourselves of the experience of others is, probably, one of the principal causes of the miseries of human life.

3. It should be remembered, that errors in judgment on practical questions, are not innocent, unless they are inevitable. For, we have received our talents from our Creator for the direction of our conduct, and are responsible to him for a fair use of them. But, we do not use them fairly, when we assume the liberty of forming our judgments according to our inclinations, or present interests; when we neglect or pervert those rules for distinguishing truth from error, which are established on the general experience of mankind; or, when we implicitly adopt the opinions, or follow the advice of those, who are as uninformed as we are, or are *interested* to deceive us. We can never,

indeed, be said to use them fairly, unless we improve the opportunities which we enjoy, to prepare our minds for a just decision of practical questions; and, when we proceed to decide them, apply fairly and steadily those principles of reasoning, which alone can conduct us to a right conclusion.

4. Lastly, the soundest principles of morality are of little use, without a just application of them; and to apply them justly, it is necessary to form an accurate view of facts and circumstances. Such a view we cannot form, without a competent knowledge, and a fair application of the principles of moral evidence. But, if a man be ignorant of these principles, or, if knowing them, he neglect or pervert them, so as to give credit to mere assertions, or exparte evidence on one side, while he withholds his assent from the strongest evidence which the nature of the subject admits, on the other; if, like a disputant for victory, and not an enquirer after truth, he allow himself to dispute, or explain away, maxims founded on general observation, or notorious truths, merely on account of the difficulty which there must always be of collecting compulsive proof of them, the best moral principles will not preserve him from a conduct injurious to society, and the more injurious, in proportion to the weight of his character.

# APPENDIX.

## *On disputing for* Victory, *and not for* Truth.

WHENEVER a man engages in a debate, without proposing to himself the establishment of some point, which he really believes to be true; or, whenever he attempts to prove that some truth is an error, or some error is true, he is disputing for victory and not for truth. Sometimes, men contend in order to obtain the reputation of able disputants. On other occasions, victory is only a means, but the support or defence of a party* is the ultimate end proposed. In both cases, truth is equally disregarded, and the powers of reason equally perverted. The methods, also, which are used in both, are nearly the same. A few of the most common of these methods, it may be useful to enumerate. All of them it would be scarcely possible to mention; because, every sophism, which is capable of being employed on the subject in question, is occasionally

* This is most likely to happen, when parties run high; and therefore, it often happens on the commencement of a war. Hence, Dr. Johnson says, "Among the calamities of war, may "be justly numbered the diminution of the love of truth, by "the falsehoods which interest dictates, and credulity encou-"rages." Idler, vol. i. page 169.

resorted to by these disputants. But, a brief description of a few may be useful, both to shew more clearly the nature of the practice, and to put the reader upon his guard against its delusions.

Disputants for victory, and not for truth, often deny such of their opponent's positions as, though true, do not admit of specific proof. Of this kind are those, which are founded on observation or experience, or general notoriety. They dispute facts, which they do not disbelieve, and take the chance of their opponent's not being furnished with positive proof of them. They explain away those maxims, which are founded on the general experience of mankind, and are delivered in proverbial expressions. They demand a species, or degree of proof, of which the subject does not admit. Thus, on practical questions, they dispute conclusions proved by strong probable arguments, and withhold their assent, because they cannot be demonstrated. On the other hand, they require possibilities to be admitted by their opponent, in opposition to strong probabilities. They demand the admission of mere exparte evidence, and that, often of a very suspicious kind, in their favour; while they reject legitimate evidence on the subject against them. They lay hold of an occasional word, dropped by their opponent, either to divert

the discussion from the subject in question, or to give a false sense to an argument. They cite their opponent's words unfairly, or give them a different meaning from what he intended by them. They endeavour to evade the question, by substituting some other question instead of it. They avail themselves of a mistake in some of the circumstances of a fact, to make the whole of it appear false, though the substance of the statement be true. They endeavour to confound the principles, either of evidence, or of morality, on which the decision of the question must depend. In a word, they shew, that they consider themselves entitled to take every advantage, however unfair, to establish their cause. Such disputants must, of course, have a great advantage over a fair and honest reasoner, whose only object is to discover and establish the truth. For he cannot allow himself to take any unfair advantage, or to use any methods which would be likely to mislead. It would be inconsistent with the end, which he proposes to himself, to urge any argument or objection, which he does not believe to be well founded; or to give it greater weight than, in his judgment, it really deserves. He would rather, even supply any defect which he might perceive in his opponent's statement of facts or arguments, whereby they had less force

than they ought to have, that he might contribute all in his power to a right decision of the question. Which of these characters is the more honourable and useful, cannot be doubted. But it is not sufficient to say, that disputing for victory is not so honourable or useful, as fairly enquiring after truth. It may further be shewn, that the practice is immoral.

The powers of reason and speech are given to men for the attainment and communication of truth; and are perverted when they are used to deceive. This is acknowledged in the case of lying; and, there seems no reason why it should not be acknowledged in this case also. For, the essence of a lie is the intention to deceive. The means employed are immaterial, whether they be words, or signs, or arguments. Now, in this case, there is an intention to deceive. For, the disputant does intend to make it believed, that some error is a truth, or some truth an error; or, that conclusive arguments are not conclusive, or vice versâ: moreover, he endeavours to persuade his hearers, that he believes them so to be. And, if he be successful in his endeavours, they are really deceived, no less than if they believed any other falsehood.

When the defence of a party is the ultimate object, he who adopts this practice, does actually propose to himself deception, as a means

of accomplishing his end. Here, therefore, the intention to deceive is manifest. Upon what principles, then, this practice can be justified, it is difficult to conceive. For however important the interests and reputation of any man's party may be in his esteem, he cannot be justifiable in promoting them by means of deception; unless it can be proved, that the end will sanction the means; or, that it is lawful to do evil, that good may come. But, when victory, or the reputation of being an able disputant, is the ultimate object, it may be said, perhaps, that the disputant has no real wish to impress on the mind of his opponent, or others, a belief of false arguments or a false conclusion; but only to display superior talents of reasoning for his credit or amusement. But, I answer, that though reputation or entertainment be his ultimate end, yet, in order to accomplish it, he does represent falsehood as truth, or truth as falsehood; and endeavour to make them believed so to be, at least, for the time; otherwise, he could not succeed. But, no man can have a right to promote his reputation or his amusement, by such means; any more than he can have a right to tell lies for a similar purpose. Our right to amuse ourselves, or to display our talents, can extend only to things which are in *themselves* innocent; which deception cannot

be. To gratify ourselves in this way, then, must be wrong. If the disputant were always careful to correct the delusions, before he left the company, it may be questioned whether his conduct would even then be innocent. It would be like indulging oneself in telling marvellous stories, and, after having amused oneself in such a licence for a considerable time, informing the company, that they were falsehoods. Would this practice be deemed justifiable? But, the truth is, that these disputants are rarely, if ever, careful thus to undo the mischief which they have done. On the contrary they generally leave the false impressions which they have made, in full force on the minds of their hearers.

We are told in scripture, that, "for every "idle word we must give an account in the "day of judgment." And surely words employed to deceive, must be idle words, in a very bad sense.

Added to all this, the consequences of the practice of thus disputing for victory, and not for truth, are injurious. They are so to the disputant himself. For such a conduct tends to weaken the influence of sound arguments upon his judgment, and to generate scepticism. As the accustoming of ourselves to examine carefully the weight of arguments, and to allow them due influence on our minds, tends to

strengthen our judgment; so, the using ourselves to start objections against arguments, instead of soberly estimating their force, must promote scepticism; for, our minds are subject to the influence of habits, as well as our bodies. Experience, also, shews that persons, who addict themselves to this practice, do often turn out sceptics.

If a man propose the defence of a party by these means, he hereby fortifies himself in the wrong; for, if his party were right, they would not need such a defence. It can hardly be supposed, that he can have the same sense of doing wrong, in any particular thing, which he has been accustomed to defend victoriously, as he would have, if he had been usually defeated in his attempts to maintain it. Certainly, the law of reputation cannot operate upon him in the one case, as it would in the other. He also precludes himself from the advantage which he might enjoy for the detection of his errors, not only on the point in question, but on others connected with it. For, his friends, were they not silenced by his sophistries, might point out to him his mistakes, and the erroneous principles on which they are founded; both of which, as observers, they are more likely to discover than he.

To the hearers, also, the practice is injurious. *If they* do not detect his fallacies, they are

really deceived; and the mischievous consequences of this deception will be in proportion to the importance of the subject. If they perceive that, though victory is obtained, yet it is not on the side of truth, they are led to regard the art of reasoning, like the art of fencing; that is, as entirely dependent on the skill of the disputant; but, as having no natural tendency to the discovery of truth. For, they suppose, that, if a more skilful disputant were to take the opposite side of the question, he would be able to confute all the former arguments, and to establish an opposite conclusion. Thus, the faculty, which God bestowed upon man to discover truth, and to direct his conduct, is brought into disrepute; and its influence on mankind is weakened, if not destroyed. Can it be justifiable, then, to render useless, or even to impair the use of so important a faculty, for the sake of amusing ourselves, or promoting the interests of a party?

Besides, as, in this practice, some false rule of reasoning must always be laid down, either formally, or by implication; or some just rule be rejected or perverted, it must always tend to pervert men's principles of reasoning, and to confound those rules by which truth is to be distinguished from error. For instance, should a man maintain that probabilities ought not to influence our judgment, or our conduct; but,

that we have a right to demand certainty, before we act or believe, it is evident, that he would be culpable. For, he would be endeavouring to propagate a doctrine, which would make men infidels in religion, and would confound the principles on which they must act in common life. Now, where is the great difference, whether he maintains this doctrine formally, in words; or, whether he assumes it as a principle, on which he grounds his arguments, and thus enforces it by his own example?

If he adopt this practice to support a party, he is endeavouring to prevail on others, to support what is wrong. For, as was observed before, if his party were right, they could not need such a defence. This he cannot do innocently; unless it can be proved that guilt and innocence have no relation to party matters.

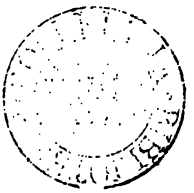
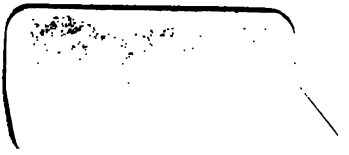
Another evil, attending this practice of disputing for victory, and not for truth, is its tendency to excite anger. A man can bear, much more patiently, to be shewn that he is wrong, if he really be so; than to have the victory wrested out of his hands by a sophism, or a perversion of the rules of evidence. Nothing, indeed, is more likely to irritate and disgust, than a conduct so unfair. Hence, also, disputation itself, is brought into disrepute, and men *account* debating an evil, because they observe,

that it generally ends in a quarrel. But, this it would rarely do, if this unfair way of reasoning were laid aside.

What has been said, has been urged with a view to shew the immorality of this practice; but its *folly*, also, may be shewn. And, as it is feared, that this consideration will weigh more with many, than its immorality, it is necessary to add a few words on this topic.

If the reputation of being an able disputant be his object, it may be questioned, whether it is not in general defeated. For, with men, at least of sound judgment, the notion of an able disputant includes that of a fair reasoner; but, the notion of a disputant for victory, resembles that of a person who cheats at play, and is, in consequence, despised. If the reputation of a party be his object, it is generally frustrated; because, the delusion will rarely be of long continuance, but will most frequently be detected by reflection, and by subsequent information; and, when it is detected, it excites a presumption, that his party is in the wrong.

*FINIS.*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